

PB# 90-50

MID HUDSON AIR PRODUCTS

9-1-61

Approved
1/23/92

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

11736
November 13, 1990

Received of Hortigoner Associates, P.C. \$ 25.00

Twenty-five and 00/100 DOLLARS

For Planning Board Application Fee (#90-50)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check #14836		\$25.00

By Pauline S. Townsend
Town Clerk
Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

11737
November 13, 1990

Received of Pauline S. Townsend, Town Clerk \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Site Plan Minimum (PB #90-50-Mobile Oil)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check #14866		\$750.00

By [Signature]
Captain
Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

12407
January 6, 1992

Received of Pauline S. Townsend, Town Clerk \$ 2,707.00

Two Thousand Seven Hundred Seven and 00/100 DOLLARS

For Planning Board Inspection Fees (#90-50)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check #15519		\$2707.00

By [Signature]
Captain
Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

Check #14836	\$25 ⁰⁰	<div style="text-align: center;">Town Clerk</div> <div style="text-align: center;">Title</div>

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

11737

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

Received of Pauline D. Townsend, Town Clerk \$ 750⁰⁰
Seven Hundred Fifty and ⁰⁰/₁₀₀ DOLLARS

For Site Plan Minimum (PS #90-50-Mobile Oil)

FUND	CODE	AMOUNT
Check #14866		\$750 ⁰⁰

By [Signature]
Capt M
 Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

12407

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

Received of Pauline D. Townsend, Town Clerk \$ 2,707.00
Two Thousand Seven Hundred Seven and ⁰⁰/₁₀₀ DOLLARS

For Planning Board Inspection Fees (#90-50)

FUND	CODE	AMOUNT
Check #15579		\$2,707.00

By [Signature]
Capt M
 Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt

12406

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, N. Y. 12550

Received of Yortiganer Associates, P.C. \$ 350⁰⁰
Three Hundred Fifty and ⁰⁰/₁₀₀ DOLLARS

For Planning Board Approval Fees (#90-50)

FUND	CODE	AMOUNT
Check #15578		\$350 ⁰⁰

By Pauline D. Townsend
Town Clerk
 Title

Williamson Law Book Co., Rochester, N. Y. 14609



Planning Board
Town Hall
555 Union Ave.
New Windsor, N.Y. 12550

NO. 90-50
1/20 19 92

RECEIVED FROM Kartiganer Assoc.
One Hundred Forty-Six 00/100 DOLLARS
Prof. fees over escrow amt.

Account Total \$ 146.00
Amount Paid \$ 146.00
Balance Due \$ -0-

Janet L. Mynal
Mynal Mynal, Secy for the P.B.

"THE EFFICIENCY LINE" AN ARMO PRODUCT

MOBIL OIL CORP. SITE PLAN #90-50
RT. 32 (KARTIGANER)

County File No. NWT 33 91 M

COUNTY PLANNING REFERRAL

(Mandatory County Planning Review under Article 12-B,
Section 239, Paragraphs 1, m & n, of the
General Municipal Law)

Application of Mobil Oil Corp.
for a Site Plan - Rte. 32 (West Side) at Intersection of Rte. 32 & Rte. 94
County Action: Local Determination

LOCAL MUNICIPAL ACTION

The Above-cited application was:

Denied Approved

Approved subject to County recommendations

.....
(Date of Local Action)

.....
(Signature of Local Official)

This card must be returned to the Orange County Department of Planning
within 7 days of local action.



AMERICAN AIR MAIL
America the Beautiful USA 15

**ORANGE COUNTY DEPARTMENT OF PLANNING
AND DEVELOPMENT**

124 Main Street

Goshen, N.Y. 10924

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/27/92

PAGE: 2

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 90-50

NAME: MOBIL OIL - SITE PLAN STATION 06N2X
APPLICANT: MOBIL OIL CORP.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
REV3	08/09/91 MUNICIPAL SANITARY	08/09/91 APPROVED
REV3	08/09/91 MUNICIPAL FIRE	08/13/91 APPROVED
REV3	08/09/91 PLANNING BOARD ENGINEER	10/03/91 SUPERSEDED BY REV4
ORIG	09/12/91 O.C. PLANNING DEPT.	09/25/91 LOCAL DETER.
REV4	10/03/91 MUNICIPAL HIGHWAY	/ /
REV4	10/03/91 MUNICIPAL WATER	10/08/91 APPROVED
REV4	10/03/91 MUNICIPAL SEWER	/ /
REV4	10/03/91 MUNICIPAL SANITARY	10/07/91 APPROVED
REV4	10/03/91 MUNICIPAL FIRE	10/09/91 APPROVED
REV4	10/03/91 PLANNING BOARD ENGINEER	/ /
REV5	10/30/91 N.Y. STATE DEPT. TRANSPORTATIO	/ /

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/27/92

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LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 90-50

NAME: MOBIL OIL - SITE PLAN STATION 06N2X

APPLICANT: MOBIL OIL CORP.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	11/13/90	MUNICIPAL HIGHWAY	04/03/91	SUPERSEDED BY REV1
ORIG	11/13/90	MUNICIPAL WATER	11/14/90	APPROVED
ORIG	11/13/90	MUNICIPAL SEWER	04/03/91	SUPERSEDED BY REV1
ORIG	11/13/90	MUNICIPAL SANITARY	11/13/90	APPROVED
ORIG	11/13/90	MUNICIPAL FIRE	11/14/90	APPROVED
ORIG	11/13/90	PLANNING BOARD ENGINEER	04/03/91	SUPERSEDED BY REV1
REV1	04/03/91	MUNICIPAL HIGHWAY	05/13/91	SUPERSEDED BY REV2
REV1	04/03/91	MUNICIPAL WATER	04/04/91	APPROVED
REV1	04/03/91	MUNICIPAL SEWER	05/13/91	SUPERSEDED BY REV2
REV1	04/03/91	MUNICIPAL SANITARY	04/04/91	APPROVED
REV1	04/03/91	MUNICIPAL FIRE	04/04/91	SEE SHEET IN FILE
		. SEE REVIEW SHEET FOR DETAILS		
REV1	04/03/91	PLANNING BOARD ENGINEER	05/13/91	SUPERSEDED BY REV2
REV2	05/13/91	MUNICIPAL HIGHWAY	08/09/91	SUPERSEDED BY REV3
REV2	05/13/91	MUNICIPAL WATER	05/16/91	APPROVED
REV2	05/13/91	MUNICIPAL SEWER	05/17/91	APPROVED
REV2	05/13/91	MUNICIPAL SANITARY	05/14/91	APPROVED
REV2	05/13/91	MUNICIPAL FIRE	05/28/91	APPROVED
REV2	05/13/91	PLANNING BOARD ENGINEER	08/09/91	SUPERSEDED BY REV3
REV3	08/09/91	MUNICIPAL HIGHWAY	10/03/91	SUPERSEDED BY REV4
REV3	08/09/91	MUNICIPAL WATER	08/12/91	APPROVED
REV3	08/09/91	MUNICIPAL SEWER	10/03/91	SUPERSEDED BY REV4

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/27/92

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 90-50

NAME: MOBIL OIL - SITE PLAN STATION 06N2X

APPLICANT: MOBIL OIL CORP.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/27/92	KARTIGANER PICK UP PLANS	CLOSE FILE
01/23/92	PLANS SIGNED APPROVED	APPROVED
11/13/91	P.B. APPEARANCE . PLANS TO BE SIGNED AFTER S.P. COST ESTIMATE SUBMITTED	ND/APPROVED S.P.
11/13/91	" " APPROVED SPEC. PERMIT . APPROVED SPECIAL PERMIT FOR 2 YEARS	SPEC. PER:2 YR APPR
10/16/91	PUBLIC HEARING HELD	TO RETURN
09/11/91	P.B. APPEARANCE	SITE VISIT 9/18/91
08/06/91	WORK SESSION APPEARANCE	REVISE & SUBMIT
05/22/91	P.B. APPEARANCE . REFERRED TO Z.B.A. FOR BUILDING HEIGHT & SIDE YARD VARIANCE	REFER TO Z.B.A.
02/27/91	P.B. APPEARANCE	L.A./TO RETURN

MOBIL OIL SITE PLAN (90-50) ROUTE 94

Scott Kartiganer of Kartiganer Engineering came before the Board representing this proposal.

MR. SCHIEFER: Now I have received one letter that I'd like to read from one of the neighbors. This comes as a bit of a surprise to me. It's addressed to Carl Schiefer and Members of the Planning Board.

This letter is written on behalf of my client, Windsor Associates, regarding the applicant Mobil Oil Site Plan whom we understand in before you for site plan approval. My client has concerns regarding this project's impact on their neighborhood property with specific reference to drainage, traffic flow, visibility and developmental coverage. In order to adequately address these issues, my client requests that the Planning Board require a public hearing on the subject application. By requiring a public hearing, you'll be providing a form which adequately allows property owners to voice their concerns regarding merits of this application. Thank you for your time in reviewing this, Greg Shaw of Shaw Engineering.

Let me tell the Planning Board there has been a public hearing held by the Zoning Board of Appeals which I attended because I realize this thing was going to get controversial. One of the neighbors is requesting an additional public hearing. We'll discuss that, I just wanted you to know what you're up against here.

MR. KARTIGANER: Again, this is we're furthering Planning Board review and approval process for Mobil Oil Service Station. Since the last meeting, we have received Zoning Board of Appeals variances for canopy and lot area, car wash that's been located after the public hearing to 100% within all the lot line setbacks.

General layout of the curb cuts are the same, the building and the canopies all this front area is all generally the same. We submitted the minutes of the Zoning Board of Appeals public hearing that was on 22 July, '91. These were submitted to the Board on the

3rd of September. They were quite copious. We addressed the public's site plan comments, they were addressed in our 6th September Planning Board submittal which is the one in front of you.

That Zoning Board of Appeals hearing some variances were granted with the exception of those pertaining to the car wash and we have relocated that. And the submittal, the car wash has been located totally within the parameters of the zoning, does not in our estimation require any further variances. And our plans, we have indicated that the project is a rebuild and upgrade of existing service station use permitted by special permit since November of '90. This note has always been on there where we have indicated under special permit.

As of this date, we have not received any notice from the Town Board that a special permit be renewed under Article 48-34D. This is reference to Mark's comments, Item #7, pertaining to his request for or mention of additional public hearing may be required as we have never been required for this requirement and as the intent of the public hearing for the Zoning Board of Appeals, we responded to any of the comments, anything that would be required under that Article. All these just to continue that, Mr. Schiefer, another public meeting would be redundant, just to point out on that meeting also Mr. Shaw was probably the most vocal. What I'd like to do is since those notes were now even though I submitted them to you, what I want to do is summarize what we thought was brought up at the meeting.

These were primarily concerns about increased traffic at the intersection and visibility of Pizza Hut signage. This is what Mr. Shaw is representing on the Pizza Hut property. We pointed out that this is not a designation type of use but rather services, passing traffic not increasing the amount of traffic at the intersection per se. We are also removing one entrance on Route 94 thereby, in fact, alleviating some of the traffic problems at the intersection. McDonalds at the public hearing had no objection to our sight variances for the canopy. Most local comments were from the Pizza Hut people, Mr. Shaw, who's representing them. These were mostly about the reduced visibility and in our estimation, the signage from the car wash. This

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property is in a low area as I am sure you're well aware. This in our opinion was the primary reason that a variance was not granted for the car wash setback. The vote there was a three to two vote and I think we would have had it.

The car wash is now totally within the side yard setback and we would like to have that on our property. There was some interest as to having more information on the car wash which has been supplied to the Board as a courtesy on the 14th of August. This just went over, reaffirmed the exact quantity of flow for the recycling operation.

The plan has been submitted to both the New York State DOT for their review, it's reviewed, everything in detail. It's currently at Poughkeepsie for the final highway permit, should be reviewed within the next day or so. Prior, the prior version of the plan has been reviewed by the Orange County Planning, during this entire process and can't remember the Planning Board date that we had a letter. There's been no revision in the curb cut location or the primary building site or the canopies with the exception that we changed the car wash to a more conservative location within the zoning setbacks. And we were requesting that further submittal to the Orange County Planning be waived, that one thing it was already reviewed, it had been reviewed at one time.

MR. VAN LEEUWEN: Final plans have to be reviewed and have to be set back and we have to give 30 days for the county to review it.

MR. KARTIGANER: Even after it's been reviewed?

MR. PETRO: When was it reviewed?

MR. KRIEGER: If this plan was not reviewed, if this is the final plan then they have to get this one.

MR. VAN LEEUWEN: Is the water going to be reclaimed in this or freshwater use all the time?

MR. KARTIGANER: It's reclaimed. There's a certain percentage that's not reclaimed.

MR. SCHIEFER: Let me make, Mr. Kartiganer, if you

don't mind, as I said, I attended this meeting. Originally, the concern, I won't say objection was voiced by Pizza Hut and by McDonalds, both of them were concerning the new construction would hide their advertising, their signs, things like that. McDonalds had no, no problem when they were told that the visibility of their building would be better than prior even though they, the canopy was going to come out. Now, Pizza Hut addressed that concern and for that reason, the Zoning Board of Appeals turned down the variance that they were requesting for the car wash. That has been moved. They no longer require that. That was addressed. And now if that were the only issue, I would say hey, we're just being redundant. Whether or not you people want to have a public hearing or must have one on the other issues we'll resolve but the visibility, I'm sure that both Pizza Hut and the Zoning Board of Appeals had no problem.

Now, let me ask you a question. This new location of the car wash, does that in any way interfere with seeing Pizza Hut where they are?

MR. VAN LEEUWEN: I think we ought to go take a look at it.

MR. SCHIEFER: That's the reason the Zoning Board of Appeals turned it down. However, it's no longer there and they no longer need a variance. Does it hide anything? I don't know, does it?

MR. KARTIGANER: It's not the existing building is pretty much, well, there's actually a canopy, if you remember that's right over here. This hides it in our estimation, less than what the existing canopy is.

MR. VAN LEEUWEN: Before I would vote on a public hearing, I want to go down and take a look at it.

MR. SCHIEFER: According to Mark, is it mandatory that we have a public hearing, your comments here say yes.

MR. EDSALL: Well, I think you have got a policy decision or a possibly a legal decision to make here as far as whether or not if you have existing site plan and an existing use, and you remove all the structure and in affect start from scratch with the same use and a new site plan, is that in affect require permit or a

new special permit? And I think that's the question at hand. Or does the existing special permit carryover. You don't have to have a public hearing and you merely have to address the site plan issue. I think that's a real wonderful thing I can pass over to our attorney and have him try to sort that out.

MR. SCHIEFER: I have seen what Mobil has done, completely take the station down to the ground and build a new attractive filling station but as Mark pointed out, it's completely new, it's the same use but the building is also new. What do you think?

MR. KRIEGER: With regard to the special permit issue, I don't think it matters if the building is new or not but if the purpose behind the special permit law for a filling station is the gasoline and is the pumps, if there is any increase or proposed increase in here, in the useage, or change in the location of where tanks would be located or pumps would be located which there is, I think the intent and you have relocated the islands and I think the intent in enacting the special permit regulations for gas stations to begin with was that that ought to be especially monitored and if you're changing this, in any way or increasing it in any way, I think the intent of the draftsman of the law was that it would require special permit. The fact that the Town Board may not have required renewal of the special permit in the past doesn't control here because that's the past. If you were talking about simply keeping the same pumps or the same tanks or the same capacity, there might be an argument there. I don't offer any opinion on that argument one way or the other because I don't think it's relevant here. Here it's a change and here I think --

MR. VAN LEEUWEN: I think there's several things we ought to check out.

MR. SCHIEFER: My personal opinion I don't understand why they need a special permit but I do think since we do have a new site plan that has to be reviewed starting from new. Now, they got a filling station there, they are going to put a filling station there. In my opinion, and again, I'm not the, I don't -- they, we need a permit but I do think we need a site plan review.

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MR. VAN LEEUWEN: They are adding a car wash.

MR. KRIEGER: You're needing a permit for a filling station.

MR. SCHIEFER: They have got one.

MR. KRIEGER: They have a filling station and they propose to put another filling station in there but they are not the same.

MR. PETRO: The special permit is saying they can put a filling station on that piece of property, not saying exactly where on the parcel. Number two, the amount I just asked him they are going to have less M.P.D.'s, which is all the little nozzles, they are having less with this plan than they had with the previous plan. What more do you want?

MR. KRIEGER: When a special permit is issued, it says that that particular use which is proposed is permitted. You change the use, a permit no longer applies, applies to that particular use and that, at that particular time. So, if I think the intent of the drafts, the people who drafted the law is good. If you're going to change it, and the fact that you may have, if your nozzles, if you've got the same number of pumps --

MR. SCHIEFER: Are there fewer nozzles? I understand there were more.

MR. GARY HUGHES: There's more nozzles but there's less pumps but it's fewer fueling points than there are now and I think that's really --

MR. KRIEGER: But each fueling point would be capable of handling more?

MR. HUGHES: No.

MR. KARTIGANER: Just several different kinds of fuels more.

MR. VAN LEEUWEN: I really think we ought to take a look at the site from there we can make up our mind. I want to see where the sign sits.

MR. SCHIEFER: If we're going to take the time to look at the site, I'd recommend setting a public hearing if we're going to because now here's a suggestion to go to the State DOT is going to take time, Orange County Planning going to take time, review the site, public hearing, why not do them all at once rather than have three separate or four separate items. If we're going to do these things, let's do them all at one time and when the applicant's back, they'll be done.

MR. PETRO: Let's bear in mind when we look at this that they are, this car wash is 60 feet away from their property line, 60 feet. Now, that's a considerable amount of feet to be back on that piece of property. I mean, okay, you have to look out for Pizza Hut but they have to have some rights here, I mean 60 feet back, look where they are already, you see what I'm saying?

MR. SCHIEFER: I understand exactly what you're saying but my only concern I asked the question already will this interfere with the sight of Pizza Hut, you know, they are down in the hole.

MR. VAN LEEUWEN: Only way is to look at it.

MR. KRIEGER: I'm sure not meaning to indicate that one particular answer would determine how would you vote just an item of information you ought to know about.

MR. HUGHES: Can I just ask a -- Gary Hughes and I represent Mobil, happen to be the project engineer dedicated a lot of time designing. One of the questions is, is it their right to be seen across our property. The Zoning Board of Appeals said no, it is not. And that was by their law and I understand that from what the comments I was listening to, you want to bring the law. However, are we receptive to Pizza Hut is Mobil in the business to put Pizza Hut out of business? No, I don't think so. If this was Exxon, maybe so we would want to take some of their business. We want to pump more products but Pizza Hut, no, we are no way do we want to harm their business in fact by us doing this and upgrading the site, making it look much better than it would if it remains the same, we're going to help Pizza Hut, in a variety of reasons.

One of the things Mobil has started in Connecticut and has worked out very well is their co-op program where

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we have a pizza site that's right next door to our site in Danbury, Connecticut and in conjunction people come in for a gas fill up, they get a dollar off a pizza. People can go get a large pizza and they get a dollar off of a fill up of gas products. An other thing Mobil had paid for all the advertising, radio, they paid for Ninja Turtles to come out and stand around which amounted to over \$15,000 of advertising. The pizza unit cannot pay any of that, we paid for all of that and I think it worked out very well. They are more than happy to help us out and again, you know, we are not trying to take business away from Pizza Hut, are we, no, we are not.

MR. VAN LEEUWEN: I didn't even think that was the intent.

MR. HUGHES: I think it would help one of the other concerns you had brought up, Mr. VanLeeuwen, about does it hinder the sight of the Pizza Hut by bringing that. I don't think that you're going to be able just by going out to the site, if you look at it where it would have been if it was back, you know, earlier here.

MR. VAN LEEUWEN: I want to see when this building is up, if that's okay and if that's okay, then I have no problems. Only one other thing I'd like to know, it says here 31 feet 11 inches, I want to see from the corner of this building to the nearest corner of this building why wasn't that done?

MR. HUGHES: That's much farther, we took it to the closest point. Thirty-one (31) feet is the closest so that would be the closest. I can get those distances for you, if you'd like. I can measure it out with a rule and they'd probably be about 40 feet or something like that. But, as far as looking out there, Mr. VanLeeuwen, what exactly are you looking to see when you go to that site because there's no car wash there now and if you look out there, it's really going to be a building because the building --

MR. VAN LEEUWEN: I can visualize the car wash on the property.

MR. HUGHES: To help you, what we did is a rendering and this might be of assistance and Pizza Hut can be seen in this quite easily.

MR. KARTIGANER: One of the statements that we had done Pizza Hut has advertising on the building and we have the car wash over in this direction now it's going to impact the sign a little bit more in our estimation, that's one of the things we brought up at the Zoning Board of Appeals public hearing that it would impact it. I think in the public hearing in all honesty, we --

MR. SCHIEFER: I think at the time you satisfied Pizza Hut and what I see now they have additional concerns because when that meeting was over they seemed quite satisfied with the findings of the Zoning Board of Appeals. However, some of the concerns in this letter are not addressed in that much detail. The main thing was the site, I think they are quite happy with what you had done. However, the Zoning Board of Appeals had not allowed it. Now, you have it at a better location. Let me ask our attorney another question. You brought up an interesting question. Does Pizza Hut have any legal rights to have their visibility there, if the applicant does not do anything that outside of our zoning departments, he doesn't need any variances. He builds, does Pizza Hut have a legal right?

MR. KRIEGER: No, if they build in accordance with the law, either the zoning ordinance, they comply with all the planning and zoning laws and they build, Pizza Hut has no overriding legal right.

MR. SCHIEFER: I'll go over the paragraph what they were looking for but --

MR. PETRO: Again, I want to say they are 60 feet off the road, 60 feet is pretty far. They are going to be on the other side of the property. They are trying to satisfy as best they can.

MR. SCHIEFER: What I'm hearing now Pizza Hut, yes, we'd like to protect their visibility but legally, they have no claim.

MR. PETRO: Right.

MR. KRIEGER: You know, it would be, it certainly would be more visible if they owned a different piece of property but they are limited by that, the property

they own.

MR. SCHIEFER: Before they had a legal claim because you were asking for a variance. Now, you no longer need the variance. That's why my question is do they have a legal claim?

MR. VAN LEEUWEN: There's one other think I'd like to say. I don't see a bit of shrubbery. I don't see anything.

MR. HUGHES: We have an extensive landscaping plan which is about \$30,000 worth which is much more than is required.

MR. VAN LEEUWEN: Before we approve this thing, I'd like to go there and see it.

MR. SCHIEFER: Let's resolve another issue. Does this have to go back to the Orange County Planning, Andy you said yes?

MR. KRIEGER: If it's in any way different than --

MR. SCHIEFER: There's a new building.

MR. VAN LEEUWEN: There's a new building on the site as far as I'm concerned, we should cover ourselves, let me put it to you this way. If we voted and said okay, go ahead and do it, Pizza Hut could hang their shirt on us, not sending it to the county can undo what we did. It would undo it until they approved it. Can't do that, got to go.

MR. SCHIEFER: Let's go back to what I suggested before, if they have to do any of these things, let's get them all done. I don't want to come back again and again and again. Go to the Orange County Planning with a new plan, know that you have no legal application to Pizza Hut and if this has to take place, then I'd suggest well, let's have the public hearing. The, you know, because I don't want to delay this anymore than I have to but that's one opinion on the public hearing. What do you two gentlemen feel? We have split opinions.

MR. LANDER: Just one thing, didn't in that letter from Mr. Shaw, didn't they mention something about drainage,

they were concerned.

MR. SCHIEFER: These concerns were not brought up at the Zoning Board of Appeals public hearing.

MR. HUGHES: The drainage issue was addressed at the Zoning Board of Appeals. They were concerned because one of the drains from the car wash here, these had been going back out this way. We have now eliminated that totally and brought them back to the inner side of the property and they come down over here to the sanitary sewer so they do not go back to the rear at all.

MR. VAN LEEUWEN: The drain from where --

MR. HUGHES: These were the ones they were asking about.

MR. SCHIEFER: They were concerned with drainage, traffic flow, which was thoroughly discussed, visibility that was the primary issue and the developmental coverage.

MR. VAN LEEUWEN: How much water are you actually going to be using?

MR. HUGHES: Total gallonage and I believe I have Ken Dykstra here from the car wash people to answer those questions. Ken, if you'd address that, please. How many gallons are used basically?

MR. KEN DYKSTRA: Basically, we're using five gallons of fresh water per car. The rest of it is used out of the reclaiming system.

MR. VAN LEEUWEN: Twenty-five (25) gallons recycled and five (5) gallons fresh water per --

MR. DYKSTRA: You're going to lose some of the 5 gallons of water is not discharged on a per car basis. When you use that water and you put water under pressure, atomization through pumping, you lose some water in evaporation, some on the wall and evaporates on the floor and there's a certain amount of carryout that goes out with the car. If we'll add maybe a gallon, okay, if that would be discharged, we have many systems operating in this area which we can balance off

to be zero discharge, just through carry on and evaporation.

MR. HUGHES: If somebody leaves the window open in the car, there's going to be some loss.

MR. DYKSTRA: No matter how you drive a mechanically driven motor vehicle, you have some water trapped in hub caps and things like that and surprisingly enough it will really add up over a period of time.

MR. VAN LEEUWEN: Water and Sewer department okay?

MR. SCHIEFER: Water approved, sewer superseded by Revision 1.

MR. EDSALL: Sewer Department and Sewer Inspector have reviewed and inspected it.

MR. SCHIEFER: We are going to go back to the County Planning, the DOT they are already working with now. Gets down to the public hearing situation, is it necessary? I do remember the, there's no questions.

MR. VAN LEEUWEN: I'll throw it out for a vote. I make a motion we have a public hearing. Let's get it going.

MR. SCHIEFER: I'll second the motion we have a public hearing. Vote whether or not we're going to have a public hearing, motion has been made and seconded to have a public hearing. I'm going to ask for a discussion. Let me give my part of the discussion.

As I said, I attended the last public hearing held by the Zoning Board of Appeals. The drainage issue was a concern. We have been told they have changed that. The traffic flow was definitely discussed very thoroughly, no concern. Visibility everybody in attendance was satisfied. However, the building, the car wash did not appear after the Zoning Board of Appeals rejected it. I have asked do they have any legal rights, Pizza Hut to visibility. I have been told no. Now the only thing is developmental coverage. These are the concerns, these are the reasons that these people have asked for a public hearing. Consider these have to be addressed adequately or do we need another public hearing? Any further discussion?

MR. VAN LEEUWEN: We have to realize one thing, okay, if we don't have a public hearing and it's contested by these people over here, all this work we're doing is for naught. It can be contested.

MR. LANDER: We have the right to waive a public hearing on this, all right?

MR. VAN LEEUWEN: No, complete change of site.

MR. KRIEGER: As a site plan, yes, as a special permit --

MR. VAN LEEUWEN: Site plan permit you have to have a public hearing. Now, if we decide not to have a public hearing, gentlemen, and Pizza Hut decides to contest it --

MR. LANDER: We can't waive it if it's the law. How can you waive a public hearing? Well, then that's a moot point. You have to have a public hearing.

MR. PETRO: Do we have to by law have a public hearing?

MR. VAN LEEUWEN: I'd rather do without it.

MR. KRIEGER: Special permit not necessarily, site plan is discretionary.

MR. PETRO: Gray area of the special permit and I don't agree with that. I don't see the big change.

MR. SCHIEFER: I don't see a need for another special permit.

MR. PETRO: We are not here for a special permit, which means we don't need a public hearing.

MR. VAN LEEUWEN: It's better off we cover ourselves, if these people make a stink, they can.

MR. KRIEGER: It would give if and you're now raising hypothetical questions but hypothetically speaking, if it were approved and if Pizza Hut brought a, not picking on Pizza Hut, could be anything else, brought an Article 78 and went to Supreme Court Judge, the sending it back to have a public hearing waiting the finding of the Planning Board, sending it to, back for

a public hearing would instantly commend itself as the obvious compromise solution and I think already no guarantees at all, it would be a likely event not a guaranteed event. You know if you want to go to the hypothetical, you have two if's and a maybe so which is very difficult to predict.

MR. EDSALL: Have you gone on record with an actual date when this special permit was granted for the original station?

MR. KARTIGANER: We don't have --

MR. HUGHES: The actual, I don't have that date.

MR. EDSALL: I know you're saying it's an existing special permit use you're looking to continue but did they ever legally receive a special permit? Is this one on file, a date of a Board action, either Town Board, Planning Board?

MR. HUGHES: Yes, there is. When we first came to build here but if you're asking me what that date is, I don't know.

MR. BABCOCK: Do you have an approximate date when this station was built?

MR. KARTIGANER: We have the Zoning Board of Appeals approval for the original variances on the station itself for that last rebuild, which in is '82.

MR. EDSALL: That's the variance for building setbacks and such.

MR. VAN LEEUWEN: All it did is change some of the islands but not touch the building.

MR. BABCOCK: As you're aware, some time in approximately 1986, is when the special permit phase went from Zoning Board of Appeals to Planning Board. So, now it's very unclear and I've been looking for it also in the file, we don't have it in our file because the Planning Board didn't do special permits before that. So, if this was done before '86, which I'm sure and that's what I was looking for you to say what the date is.

MR. HUGHES: I wasn't familiar with that date, Mike, but I can find out that date for you. I can get that date if that's the only concern holding up on the special permit use. What I'd like to request is get approval on that, then assuming that the special permit use has been after 1986, if it was before 1986 and that you feel it's now the duty to slow us down, I guess what I look at is delaying us really until next year now which would in turn you have to consider Matt and Tommy Florio here, these guys are going out on a limb and it's their livelihood. Do you want someone to take your business away from you because someone wants to be seen across your property which I believe in my mind and you have to kind of look at it --

MR. VAN LEEUWEN: I think what you're doing, you're getting the wrong drift. What I'm trying to say is, guys, let's do everything right so there's no cause from Pizza Hut or anybody else can say wait a minute, we're going to go to court and stop you because that's what they can do, pull an Article 78 and you'll be dead. This way that might take 30 days but when you're all done, you'll be done legally. We're trying to cover for you. Now, there's a question do they have the special permit?

MR. BABCOCK: If they do have one, it was not issued by this Board. That's what I'm trying to say.

MR. VAN LEEUWEN: But there's a question.

MR. SCHIEFER: Let me add my opinion. The only reason I see for a public hearing is to protect ourselves on a lot of uncertainties. It has nothing to do with anything in this letter because these items have been addressed. I completely agree, it should be back to the Orange County Planning. I don't see delaying this until next year and I repeat I'd like to get everything done at once.

MR. VAN LEEUWEN: But I want to get it done right.

MR. SCHIEFER: Ready for a vote on the motion we made and seconded.

MR. PETRO: The only reason I'll now vote the way I will vote on the public hearing is because of the uncertainty of the special permit but not because of

the letter and because I think that they are going to have any problem.

MR. SCHIEFER: I don't think there's anything in that letter to make me go for a public hearing. Voting on yes, we should have a public hearing.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. Dubaldi	Reluctantly, yes
Mr. Lander	Aye
Mr. Schiefer	Aye

MR. BABCOCK: Can I ask one more question of the applicant? In front of the car wash, there's a 10 by 10 area and behind it there's a 10 by 15 area. Are these just concrete slabs or are they part of the construction of the car wash? I notice because of the setback now and that's the only reason and I bring the question up before it was a variance item.

MR. HUGHES: They are just concrete slabs.

MR. BABCOCK: No roofs or canopies over those? They are just slabs on the ground?

MR. HUGHES: Yes, that is correct. Just for the cars to drive up.

MR. EDSALL: Are the double lines some type of trench drain?

MR. HUGHES: No, negative, that was you're talking about directly in front?

MR. EDSALL: Looks like it's tied into the catch basins on each end.

MR. HUGHES: Yes.

MR. EDSALL: Not any overhead structures, just trench drains?

MR. HUGHES: Yes.

MR. KARTIGANER: Would the drafting changes be acceptable? You had a few comments as far as like --

MR. EDSALL: Very minor comments. The plan as far as I'm concerned just again, I just agree that the Board should be careful not to have this application in jeopardy being overturned as part of an Article 78 but the plan is in good shape. There's some minor comments here.

MR. SCHIEFER: Mike, schedule this for a site visit.

MR. BABCOCK: Also, Orange County Planning?

MR. SCHIEFER: Can we put this on the next agenda for a public hearing?

MR. EDSALL: Will they be ready?

MR. KARTIGANER: We'll be ready.

MR. SCHIEFER: I don't want to delay it until the next year but you see what is happening here.

MR. HUGHES: Article 78, and I'm not a lawyer, I'm not an attorney, I can add and subtract but I can't talk jibberish. I didn't mean that as a cut either. I just don't understand the law sometimes but if this Article 78 exactly what does it tell us that we must do or that you must do for liability and I assume that's why --

MR. VAN LEEUWEN: Can I explain to you very easily. If Pizza Hut has a problem with the sign, they don't have to use the sign against you at all, if we don't do everything that's right 100% according to Hoyle, they can come back and pull an Article 78. That means the whole project is dead until after it goes to court. That could take a year or six months.

MR. KRIEGER: I'm not sure if asking the question whether it's understood exactly everybody on the Board here understands but when the applicant understands what an Article 78 is, it refers to a section of the Civil Practice Law and Rules, it just happens to be the section of the law and what it says is if a person who's aggrieved under the law and there's a limit as to who can do this, not just any volunteer who feels aggrieved can do this.

MR. HUGHES: Must be somebody directly affected by it?

MR. KRIEGER: Basically, yes. There's some complicated rules on who qualifies and who doesn't. Clearly somebody like Pizza Hut they are not the only ones, if they don't like a determination, and they feel they have a legal basis to object, that's what they're talking about the sign, the real reason may be the sign but that's not a, if they say that's not a legal basis, let's find something else like the Planning Board didn't adhere to the necessary procedures. They go to the Supreme Court within 30 days from the time that this Board takes action and they say to the Supreme Court overturn that action because they didn't do as they should have. They didn't comply with their own rules. They didn't comply with the laws regarding how they should do things and on such an application which then would probably be pending in the court for certain months by the time you file a petition, answer the petition and go through those procedures, the Supreme Court would then be faced with about three alternatives, ultimately when it was right for a decision and those alternatives are upholding the decision of the Planning Board, what I'm telling you would apply -- overturn it and substitute the court's own determination or send it back with specific instructions do it over again and do this right this time. Of course, the language is somewhat different but that's the net effect. The mere bringing of an Article 78 first of all it's routinely true that a Supreme Court will then stay the applicant from doing anything else, he'll put a stay on you, everything stops, then it's decided and if it's decided however long it takes to work its way through the courts, usually in an Article 78, you're talking about months, I hesitate to say for the record how many months but it's a considerable amount of time.

MR. VAN LEEUWEN: Six months to a year, normally.

MR. KRIEGER: Then once the determination is made, if the Supreme Court selects the overturn option, further delay in either case built into that. This is what I have told you is really the mechanics of what an Article 78 is all about and this is why I presume to speak to the Board, this is why the Members of the Board are so concerned because they are looking at a

considerable time delay. You're also looking at a considerable expense to basically accomplish no physical purpose.

MR. HUGHES: So that then, what is it that would be possible not right if you guys were to approve if the Planning Board, excuse me the special permit because it was issued before 1986?

MR. KRIEGER: First of all, it's not a concern to the Board at this point that it was not having been produced or identified, that's number one question was it issued at all. Number two, what were its terms when it was issued. You only know by looking at the special permit. Number three, because there are changes here, are they the kind of changes that can require a new special permit. The old one was not required to be renewed as would it would require a new special permit. If the Board were to take a position, go out on a limb so to speak and say no, we don't need an application for a new special permit, then you leave it up to an objectant to go into the Supreme Court and say ah ha, here are the other factors, here are the factors they changed the conditions and they should have had a special permit. This is the origin of my comment before under those circumstances faced with an Article 78, there would be a strong invitation to a Supreme Court Justice to look and say I'm not going to do either, either uphold or reverse, send it back and have a public hearing.

MR. PETRO: I think we beat this to death.

MR. KRIEGER: What I have said is for the purpose of helping the applicant.

MR. SCHIEFER: Thirty (30) day delay versus the risk of six to twelve months plus legal action. I really think this is the proper way to go. I do want to get this thing done as soon as possible. I personally have no objection to this site plan. Does anyone else have any concerns?

MR. VAN LEEUWEN: The only thing I want to say is the shrubbery detail.

MR. SCHIEFER: Mr. Kartiganer says there is an extensive landscaping, just bring that in. Any other

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concerns?

MR. VAN LEEUWEN: No.

MR. DUBALDI: Are we going to go down?

MR. SCHIEFER: Can you get this one within two weeks? I doubt if you can notify the people you're going to have to go through that. I suspect it will be 30 days, if you can do it, fine. I have no problem. Go to Myra in the morning.

MR. KARTIGANER: We already have the list.

MR. SCHIEFER: Meet the requirements as soon as the letter is in place, we'll put you back on and have the public hearing and go with it from there.



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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
PROJECT NUMBER: 90-50
DATE: 11 SEPTEMBER 1991
DESCRIPTION: THE APPLICATION INVOLVES THE COMPLETE REMOVAL OF THE EXISTING BUILDING ON THE SITE AND CONSTRUCTION OF NEW SERVICE ISLANDS, NEW RETAIL BUILDING AND A NEW CAR WASH. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 FEBRUARY 1991 AND 22 MAY 1991 PLANNING BOARD MEETING.

1. As the Board may recall, this application was referred to the Zoning Board of Appeals for several variances. The referral was last revised on 25 June 1991.

A comparison of the plan referred to the ZBA versus this latest plan appears to indicate that the car wash has been moved further away from the westerly property line and the fuel storage tanks re-located to the south of the service building. Some re-arrangement of the parking spaces has also resulted.

The plan appears to indicate that variances have been granted relative to the canopy installation only. This should be verified and, in addition, the date of the Zoning Board decision should be added to the "variance table" on the plan.

2. With regard to the lot area provided, it should be noted that the "net area" is a pre-existing condition. In addition, the site plan should be corrected to indicate a side yard setback requirement of 30' to the south, not 40' as indicated on the plan.
3. Other than those items noted above, the "required" and "provided" values indicated on the bulk tables appear correct for the site. As such, it is my understanding that the Applicant has received all variances necessary for this latest version of the plan.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

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PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
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DATE: 11 SEPTEMBER 1991

4. Although the plan does provide for the required number of parking spaces, the "parking requirements" table on the plan should be revised to indicate the total eight (8) spaces depicted on the plan.
5. At this time, the Applicant has responded to all previous engineering comments. I am aware of no further technical/engineering concerns regarding this site plan. After the Board has made a review of this latest version of the site plan, further engineering reviews will be made, as deemed necessary by the Planning Board.
6. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
7. The Planning Board should schedule the mandatory Public Hearing for this Special Permit, per the requirements of Paragraph 48-35(A) of the Town Zoning Local Law.
8. Submittal of this plan/application to the New York State Department of Transportation and Orange County Planning Department will be required.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MOBIL2.mk

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO ANDREW S. KRIEGER, ESQ.

DR.

219 Quassaick Avenue, New Windsor, New York 12553

DATE	Re: Mobil Oil Site Plan 90-50	CLAIMED	ALLOWED
1-16-91	Planning Board Meeting		
1-13	Planning Board Meeting		
	1.0 x \$100.00	100	00
	11/19/91		



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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
PROJECT NUMBER: 90-50
DATE: 13 NOVEMBER 1991
DESCRIPTION: THE APPLICATION INVOLVES THE COMPLETE REMOVAL OF THE EXISTING BUILDING ON THE SITE AND CONSTRUCTION OF NEW SERVICE ISLANDS, A NEW RETAIL BUILDING AND A NEW CAR WASH. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 FEBRUARY 1991, 22 MAY 1991, 11 SEPTEMBER 1991 AND 16 OCTOBER 1991 PLANNING BOARD MEETINGS.

1. The most recent meeting was a Public Hearing, at which time the overall project was reviewed in detail. As a result of the Board's review of the application, several areas of concern were identified which required further review. With regard to each of these items, the status is noted as follows:
 - a. Drainage - The plan has been revised such that the area previously being drained toward the adjoining Pizza Hut (lands n/f Gardner) are now being positively drained through a catch basin, which is connected to the State DOT collection system. Correspondence is in file indicating that the drainage area directed toward Pizza Hut is being decreased as part of this site plan; as well, the Applicant has communicated directly with the adjoining property owner to discuss this revision. Based on my review, it is my opinion that this matter has been resolved.
 - b. Landscaping - At the Public Hearing, the Applicant presented a landscaping plan for the Board's review. Following that meeting, I requested that the Planning Board Secretary forward a copy of this plan to the local representative of the New York State Department of Transportation; it is my understanding that he subsequently indicated no objection to the proposed landscaping plan. My only concern is that the property owner maintain the plantings, such that same do not become overgrown and pose a detriment to required sight distances from the curb cuts.

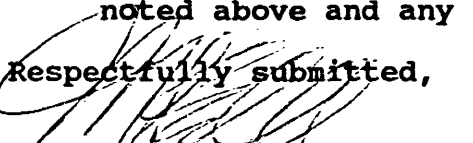
TOWN OF NEW WINDSOR
PLANNING BOARD
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PROJECT NAME: MOBIL OIL SITE PLAN
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- c. Site Lighting - As per the request of the Board, the Applicant has submitted a site lighting plan, which I have reviewed, and herewith advise the Board that it is my opinion that same is acceptable for this site.
- d. DOT Permit - The Board requested the status of the DOT Permit. The Applicants have submitted a copy of Permit No. 25970 with regard to this application.
2. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Paragraph A(1)(9) of Chapter 19 of the Town Code (this can be a condition of approval, if the Board so desires).
3. The Board is reminded that not only site plan approval is required for this application, a Special Permit is also required. Further, the Board should determine if the special permit will have a permit period applied, or if the special permit will be "open ended", subject only to "recall" if a problem develops.
4. At this time, I am aware of no engineering reason why this application could not receive approval, conditional on the items noted above and any other items identified by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MOBIL4.mk

MOBIL OIL SITE PLAN (90-50) ROUTE 32 & 94

Mr. Scott Kartiganer and Gary Hughes came before the Board representing this proposal.

MR. SCHIEFER: Last time the applicant was here our concern was drainage. I have been told by Mr. Edsall this has been addressed.

MR. VAN LEEUWEN: In the left-hand corner we had a problem, the way the land is.

MR. KARTIGANER: Since that last meeting, we have addressed that and taken the drainage from this catch basin which at the last meeting had drained this direction onto the McDonalds property, redirected it across the property and into the New York State DOT drainage path. We are giving it back to New York. The only other item from the last meeting was we just relocated some trees on the landscaping plan and it was just a drafting error where we took them from inside the DOT right-of-way and now it's on, put them on our property.

MR. SCHIEFER: Any other questions on this, gentlemen, those were the two items we had at the last meeting.

MR. VAN LEEUWEN: I don't see any other problems.

MR. DUBALDI: No comments.

MR. SCHIEFER: We have addressed the two concerns. If not, I'll entertain a motion for some kind of action.

MR. VAN LEEUWEN: Two things we have to make a motion on. One thing we have to do, we have to approve the site plan. We have to do that first. And then we have to approve the special permit, special permit I suggest we do for one year or two years.

MR. SCHIEFER: Let's address the site plan first then we'll go onto the special permit. I know that's part of the thing here. Any comments on the site plan?

MR. VAN LEEUWEN: I'll make a motion to approve.

MR. PETRO: What about the bond estimate?

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MR. BABCOCK: That has to do with the engineer.

MR. SCHIEFER: See item 2.

MR. BABCOCK: I don't think that that should hold up the approval of the project.

MR. EDSALL: That should be a condition of the site plan approval that that be filed prior to stamping of the plan.

MR. PETRO: By just mentioning, when you just mentioned it is now in the minutes.

MR. VAN LEEUWEN: All fees, all bonding will be included in my motion.

MR. SCHIEFER: All fees and all bonding will be addressed prior to the plans being stamped and approved. Do I have a second?

MR. LANDER: I'll second it.

MR. VAN LEEUWEN: We have some comments from Mark here and I'm just reading them. Most of it is special permit. Only thing public hearing.

MR. EDSALL: Majority of the comments are status, to let you know these have been taken care of. One of the items was negative declaration so before you move on approval, you should take care of that.

MR. VAN LEEUWEN: I withdraw the motion and make a motion to declare a negative declaration.

MR. LANDER: I'll second it.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Schiefer	Aye

MR. VAN LEEUWEN: I make a motion to approve, Mr.

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Chairman, subject to all bonding and all fees are collected before the maps are stamped.

MR. SCHIEFER: Site plan approval?

MR. VAN LEEUWEN: Site plan approval.

MR. LANDER: I'll second it again.

MR. SCHIEFER: Motion has been made and seconded we approve the site plan of Mobil Oil on the Five Corners subject to the conditions Mr. VanLeeuwen spelled out.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

MR. SCHIEFER: Now, let's get into this while we're here on the special permit. Do we want to do it for one or two years?

MR. LANDER: Two years.

MR. VAN LEEUWEN: I agree.

MR. SCHIEFER: I agree.

MR. VAN LEEUWEN: The only reason why I'm saying two years in case the place starts deteriorating they have got to come back. We have a little control over it.

MR. LANDER: It's not going to happen the first year.

MR. VAN LEEUWEN: I think it's very fair.

MR. SCHIEFER: Any problem with that?

MR. KARTIGANER: I just request that Mobil is a very strong company and if we can get it to be open ended as I commented in Mark Edsall's --

MR. VAN LEEUWEN: We can't give you an open ended special permit, it's limited. Believe me, normally the

limit is one year, we are already giving you two.

MR. KARTIGANER: That's consistent with all the gas stations in town?

MR. VAN LEEUWEN: If they need a special permit. You're in an area where you need a special permit. He has to come back in two years actually what it is to review the plan we go out and take a look at it. If it's satisfactory, we'll give you another two years.

MR. KARTIGANER: Okay.

MR. SCHIEFER: Mobil keeps it the way they keep the other stations, it won't be any problem at all getting the extended permits. Make a motion that the special permit be granted?

MR. VAN LEEUWEN: I'll so move.

MR. PETRO: I'll second it.

MR. SCHIEFER: Motion has been made and seconded we grant two year special permit to Mobil Oil Site Plan at Five Corners.

MR. HUGHES: What are the conditions of that special use permit for the review?

MR. VAN LEEUWEN: You cannot put a, you know, put a gas station there for a special permit for two years the zoning does not allow you to have a gas station there.

MR. HUGHES: I understand in two years you come back and say okay we don't like Mobil, let's say I don't know what would clue you into saying that and we have to rip out the station.

MR. DUBALDI: Not finishing the site plan.

MR. KRIEGER: Not maintaining the landscaping.

MR. LANDER: Don't be so pessimistic, you're opening a can of worms.

MR. SCHIEFER: If it deteriorates like across the street that would be a reason, I don't want to mention anything.

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MR. HUGHES: I want to make sure I understand.

MR. VAN LEEUWEN: It became junky, cans laying around, stuff like that we jump on you.

MR. HUGHES: Okay.

MR. SCHIEFER: But, I cannot foresee it happening. I do understand your concern, naturally.

MR. VAN LEEUWEN: We have to eateries on each side of you, we want to make sure it's kept reasonably clean property and I'll tell you normally we give a one year now we're giving two years --

MR. SCHIEFER: If not, we'll vote on it.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye



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PROJECT NUMBER: 90-50
DATE: 13 NOVEMBER 1991
DESCRIPTION: THE APPLICATION INVOLVES THE COMPLETE REMOVAL OF THE EXISTING BUILDING ON THE SITE AND CONSTRUCTION OF NEW SERVICE ISLANDS, A NEW RETAIL BUILDING AND A NEW CAR WASH. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 FEBRUARY 1991, 22 MAY 1991, 11 SEPTEMBER 1991 AND 16 OCTOBER 1991 PLANNING BOARD MEETINGS.

1. The most recent meeting was a Public Hearing, at which time the overall project was reviewed in detail. As a result of the Board's review of the application, several areas of concern were identified which required further review. With regard to each of these items, the status is noted as follows:
 - a. Drainage - The plan has been revised such that the area previously being drained toward the adjoining Pizza Hut (lands n/f Gardner) are now being positively drained through a catch basin, which is connected to the State DOT collection system. Correspondence is in file indicating that the drainage area directed toward Pizza Hut is being decreased as part of this site plan; as well, the Applicant has communicated directly with the adjoining property owner to discuss this revision. Based on my review, it is my opinion that this matter has been resolved.
 - b. Landscaping - At the Public Hearing, the Applicant presented a landscaping plan for the Board's review. Following that meeting, I requested that the Planning Board Secretary forward a copy of this plan to the local representative of the New York State Department of Transportation; it is my understanding that he subsequently indicated no objection to the proposed landscaping plan. My only concern is that the property owner maintain the plantings, such that same do not become overgrown and pose a detriment to required sight distances from the curb cuts.

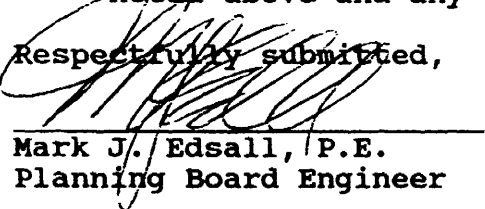
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

-2-

PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
PROJECT NUMBER: 90-50
DATE: 13 NOVEMBER 1991

- c. Site Lighting - As per the request of the Board, the Applicant has submitted a site lighting plan, which I have reviewed, and herewith advise the Board that it is my opinion that same is acceptable for this site.
 - d. DOT Permit - The Board requested the status of the DOT Permit. The Applicants have submitted a copy of Permit No. 25970 with regard to this application.
2. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Paragraph A(1)(9) of Chapter 19 of the Town Code (this can be a condition of approval, if the Board so desires).
 3. The Board is reminded that not only site plan approval is required for this application, a Special Permit is also required. Further, the Board should determine if the special permit will have a permit period applied, or if the special permit will be "open ended", subject only to "recall" if a problem develops.
 4. At this time, I am aware of no engineering reason why this application could not receive approval, conditional on the items noted above and any other items identified by the Board.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MOBIL4.mk



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

October 30, 1991

New York State Dept. of Transportation
Dickson Street
Newburgh, NY 12550

ATTENTION: MR. DONALD GREENE

SUBJECT: MOBIL OIL SITE PLAN - P.B. #90-50
RT. 32 & 94 - VAILS GATE, NY

Dear Mr. Greene:

Please find attached the latest revision to subject site plan.
Please let me know in writing if the plans are acceptable to your
department.

The applicant has requested to be on our November 13, 1991
Planning Board Agenda for final review and approval. If you
could respond before that date, it would be greatly appreciated.

If you should have any additional questions on this matter,
please contact our office at (914) 565-8800 Ext. 615.

Thank You.

Very truly yours,

Myra L. Mason
Myra L. Mason,
Secretary for the Planning Board

MLM

K4 KARTIGANER
ASSOCIATES, P.C.
CONSULTING ENGINEERS

555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 562 - 4391

28 October 1991

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, New York 12553

ATTENTION: CARL SCHEIFER, PLANNING BOARD CHAIRMAN

SUBJECT: MOBIL STATION 06N2X, VAILS GATE, NEW YORK

Dear Mr. Scheifer:

Please find attached the following items pertaining to the SUBJECT project.

1. Fourteen (14) Landscapes Plan revised to show all proposed trees to be planted on Mobil property.
2. Fourteen (14) Site Plans indicating no drainage discharge (at CB "5") onto adjacent property.
3. One (1) Lighting Study per your request for the site.
4. One (1) copy of DOT Highway Permit for the site.
5. One (1) copy Minutes of conversation between Fred Gardner and Gary Hughes dated 18 October 1991.

As per the Planning Board's request, a Mobil representative, Gary Hughes, met with the owner of the Pizza Hut property. The general drainage pattern as per Gary was acceptable to the property owner. Also as per your request at the meeting, for the record it shall be noted that the plan as designed at this time drains less of an area onto the Pizza Hut property than is currently existing in the field.

We trust that the enclosed are inclusive of all items that the Board requires. We are requesting that the Board consider this submittal for final site plan approval.

10/28/91.

Delivered by Chris - Copy delivered to Mark by same CM

Very truly yours,

KARTIGANER ASSOCIATES, P.C.


Scott T. Kartiganer, P.E.
Project Engineer

cc: w/encl: Gary Hughes, Mobil Oil Corp.

STK:lm
Encl.a/s

di 141
edsall.ltr

PERM 42i (5/88)

STATE OF NEW YORK — DEPARTMENT OF TRANSPORTATION



25970

Permit Fee \$ 200.00

Ins. Fee \$ 0.00

Total Received \$ 200.00

Check or M.O. No. 15445

Liability Insurance

Policy No. PERM 17 on file

Disability Benefit Coverage

Policy No. 1976782-001

Permittee: MOBIL OIL CORP.

50 BROADWAY

HAWTHORNE, NY 10532

att:

Billing Address:

(Complete if different from above)

HIGHWAY WORK PERMIT

Expiring 11/01/91

Permit No. 08-91-5970

Est. Compl. Date 06/30/92

SH No. 154

Deposit Rec. for \$ 0.00

Check or M.O. No.

Dated / /

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:
RELOCATE CURBING AT SOUTHWEST CORNER OF THE INTERSECTION OF ROUTES 32 AND 94 TO PROVIDE ACCESS TO MOBIL STATION 06N2
X LOCATED IN THE TOWN OF NEW WINDSOR. ALL DISTURBED AREAS WITHIN STATE ROW ARE TO BE TOPSOILED, SEED, AND MULCHED

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. IN ADDITION, ANYBODY WORKING IN THE RIGHT OF WAY IS REQUIRED TO WEAR A HARD HAT AND A REFLECTIVE SAFETY VEST.

County — ORANGE

Municipality — NEW WINDSOR

Route # — 94

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations whether, general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.

POUGHKEEPSIE, N.Y.

Dated at

Date Signed 10/15/91

Commissioner of Transportation

NICHOLAS J. MICROCIA

By

M.J. Mignogna
IMPORTANT

This permit, with application and drawing (or copies thereof) attached shall be placed in the hands of the contractor before any work begins.

NOTICE: Before work is started and upon its completion, the permittee absolutely must notify the Resident Engineer,

WILLIAM DAIN
(914) 562-4020

112 DICKSON STREET
NEWBURGH, NEW YORK 12550

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED AND SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this Permit was completed on (Date) _____

Refund of deposit or return of bond or reduction of amount charged against bond or deposit on file for this permit whichever is appropriate, is requested:

Date _____

PERMITTEE

AUTHORIZED AGENT (IF ANY)

Upon acceptance of work performed as satisfactorily completed, the Resident Engineer will sign the following and forward to the Regional Office.

Work authorized by this Permit has been satisfactorily completed and is accepted. **(Reverse side of this form must be completed).**

Date _____

RESIDENT ENGINEER

The Regional Office will forward this form to the Main Office with the appropriate box checked.

To : HIGHWAY PERMIT SECTION:

- ☐ Refund of Deposit on this Permit is authorized.
- ☐ Return of Bond furnished for this Permit is authorized.
- ☐ Amount charged against Blanket Bond for this permit may be cancelled.
- ☐ Retain Bond for future permits.

Date _____

REGIONAL TRAFFIC ENGINEER

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause, either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department agency, and his or its successors in interest, shall be for maintenance and repair of such work as set forth within the terms and conditions of the work permit.

Mobil Oil Corporation

50 BROADWAY
HAWTHORNE, NY 10532

October 24, 1991

Fred Gardner
52 Elm Street
Huntington, NY 11743

06-N2X
VAILLS GATE, NY 12550

Dear Fred:

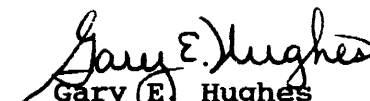
Per our conversation on Monday, October 21, 1991, Mobil Oil Corporation has redirected the drain pipe from the southwest catch basin toward the inside of our property. The subject catch basin will no longer drain onto the Pizza Hut parking lot.

I also understand from our phone conversation that, with the indicated change in drainage direction, you no longer have any problems with the Rebuild site plan.

A copy of this letter will be sent to the Town Engineer and the Planning Board. Please confirm our conversation by sending a letter to the Planning Board with a copy to myself.

Thank you for your support in this matter.

Sincerely,


Gary E. Hughes
Project Engineer

GEH/pcb

cc: Kartiganer Associates
Mark Edsell, Town Engineer
Planning Board, New Windsor

10/28/91

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Sullivan 384 Moores Hill Rd DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
12/16/91		Planning Board Meeting	75 00	
		Windsor Heights 3 pgs	13 50	
	✓	Mobil oil 90-50 22 pgs	99 00	
	✓	Twin Arch 7 pgs	31 00	
	✓	Mobil Plotkin 4 pgs	18 00	
	✓	Weshe 4 pgs	18 00	
	✓	Petro 2 pgs	9 00	
	✓	Catanzaro 5 pgs	22 50	
		Kelly Motors 4 pgs	18 00	
		Bernhardt 2 pgs	9 00	
		Misc. 2 pgs	9 00	
			<hr/> 322 50	

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PUBLIC HEARING: MOBIL OIL SITE PLAN (90-50) ROUTE 94 &
ROUTE 32

Mr. Scott Kartiganer came before the Board representing this proposal.

MR. SCHIEFER: There's a letter in our files from Myra, our secretary, that the proper people have been notified so we have no problem with that. We normally don't make decisions the night of the hearing, if there's no opposition, we might but I don't think that's what's going to happen. This is a public hearing. Before I open it to the public, I'll ask Mr. Kartiganer to present what they are going to do. It's all yours, sir.

MR. KARTIGANER: All right, since our last meeting, what we have done pretty much since our last meeting, we are here for a special permit on the property just to reiterate what we had done, we have moved the car wash which this is the car wash, this is the building and the canopy over here. We have relocated the car wash to be 100% within zoning. We did not get that variance. We prepared a table which is on that map as per the request and those items are all taken care of. One other item that was done in this drawing which has been removed by Mark, we moved the building forward a bit to get more space to take care of the car wash because we are little bit more constrained on area.

One of the things that did happen also which was a comment we are now down to five parking places as opposed to original application where the car wash we had required variance which had eight. That's still within the zoning and that was because of the constraints on the site area. We do have a DOT permit. We don't have it in hand right now, it's in the mail. This was confirmed with Debbie Fayot (Phonetic) of the DOT and the Resident Engineer, Don Green.

Landscape plan, this is the landscape plan, is very similar to the ones that we have shown, been showing constantly and mostly it just takes into account the changes that had happened onto the rear of the property. This is pretty much 100% as it's been which had included the hemlocks which Mr. VanLeeuwen commented on. Really those are the only changes that

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have taken place. This per the DOT comment is slightly changed just this configuration at this area over here just to clarify that it's an ingress only which this is what it, what's been the only thing, the only slight change on the curbing otherwise it's been the same as what we have done before.

MR. SCHIEFER: Okay, before I open this to the Members of the Board, I have a couple of questions. The ingress and egress, the exit they are already in place, they were put in by the DOT, correct?

MR. KARTIGANER: These two are, this has not been poured yet. The reason being it's because it would not be able to service the existing pumps the way they are, it would create a dangerous situation.

MR. SCHIEFER: The Planning Board did visit the site and I gather that the size of the building has actually been reduced overall.

MR. KARTIGANER: Correct.

MR. SCHIEFER: Is there anyone here from Pizza Hut? I'm surprised there is not. We did look at the site and it does have some impact on being able to see it. But, we got a definition the last time and I have asked Andy to be prepared for that legally we are not breaking any rules and regulations as long as you people don't ask for a variance and as I said at the last meeting, I sat in on that meeting with the Zoning Board of Appeals and I recognize what you're doing does not require any variance. I don't really see any problems with that. With that, are there any questions or comments from the Members of the Board?

MR. MC CARVILLE: Two questions. One I assume that you're on your bulk regulations the area of the easement has been subtracted?

MR. KARTIGANER: Yes, it has.

MR. MC CARVILLE: Number 2, there was a problem which existed with illegal parking lot serving the employees of McDonalds that apparently crossed your property. This new site plan will eliminate access to that parking lot?

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MR. KARTIGANER: That's correct.

MR. MC CARVILLE: So, no longer an exit?

MR. SCHIEFER: The DOT put their curbing and that parking lot is shut off and they do not cross their property but that's no longer an issue. The DOT put the curb, there's no longer any access that's taken care of.

MR. MC CARVILLE: That's the only questions I have. Thank you.

MR. VAN LEEUWEN: I have a couple questions. Now, there's a little problem with the view for the property next door to you, okay. Now, we have got those hemlocks planted we are going to have them planted, can we keep them to a minimum to 4 feet, Paul, no higher than 3 1/2 to 4 feet can they be cut? That's why I asked for the hemlocks so they can be cut.

MR. SCHIEFER: The ones that would block out Pizza Hut --

MR. KARTIGANER: Well, we have just not to change anything right now but these right here these are not hemlocks, these are more of a shorter type of shrub.

MR. VAN LEEUWEN: What kind of tree is it?

MR. KARTIGANER: Eastern burning bush, comes about this high and hemlocks here are only mostly for the structure of the car wash now so in other words, they are perhaps this is the only tree that would be causing any disturbance.

MR. VAN LEEUWEN: Even the burning bush can be cut.

MR. KARTIGANER: Yes, they can be maintained.

MR. GARY HUGHES: Don't give Pizza Hut any ideas.

MR. VAN LEEUWEN: We don't want to hurt them anymore than they are.

MR. SCHIEFER: They are being hurt, don't make it any worse, try to keep it so you know they are going to obviously have to put the sign up on top.

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MR. KARTIGANER: They already have a variance for that sign.

MR. VAN LEEUWEN: Mr. Chairman, when we start talking about the special permit, I want to keep it to a certain amount of years so we can keep control over that.

MR. SCHIEFER: Any other questions, gentlemen? If not, I'll open this to the public. Anyone in the public has any comments or questions?

CARMINE ANDRIOLLO: I have a business in New Windsor and I own property in New Windsor. I was at the Zoning Board that night and I didn't understand the way these people got this far. I can't understand it. There's seven variances that night and they were turned down four of them regarding the car wash. They change it around, don't forget the location of what they want to do is the Five Corners. The State spent more than four million dollars to make a better route for vehicles and for the people leaving New Windsor, Cornwall, Washingtonville. I'm greatly opposed to car wash, anything else but a car wash at the Five Corners. Okay, I'm surprised that none of New Windsor is here. I care for New Windsor. I have been here 6 1/2 years. I'm not looking to make New Windsor a circus or anything. I care very much for New Windsor and I'm opposed very hard for a car wash at the Five Corners but --

MR. DUBALDI: Why, in particular, are you opposed?

MR. ANDRIOLLO: Because of the location, the location where the car wash goes. We already have a problem with one of them, one that's already a problem, the location.

MR. DUBALDI: How is it a problem, if I can ask because I wasn't aware that there was a problem?

MR. ANDRIOLLO: Every time I go through that area, there on a rainy day or something, you've got a car wash there but once it's a beautiful day, there's car all over there. They come up. I'm very concerned. I'm very concerned.

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MR. DUBALDI: Are you saying the cars are in the road?

MR. ANDRIOLLO: They are parked in the road because you don't have enough land. The same thing with this, this is the Five Corners. People don't forget about the Five Corners. I am going to cite this is not a trend, I don't know why these people got so far for the car wash. Anything there I live in Cornwall right at the edge of New Windsor. I have to go through there in the evening at night, weekends, everything. I'm going to say this, if I have any problem with the traffic there, I'm going to go on the Town of New Windsor, you are responsible, each and every one of you. I'm going to say this, I'm not threatening, I'm saying because I care for New Windsor. I work for an organization in New Windsor and I help the community in New Windsor and that's why I'm very concerned and when my property, if I want to do anything with my property and it's not the way the town should be, I don't want it. I want everything to make better for New Windsor and I spoke with a thousand people. I'm surprised nobody is here because everybody is in the other room, they are concerned with something else but the car wash on that Five Corners I'm very against that. As to why I feel I'm in the service station business, I've got people coming in everyday and everybody is talking about the car wash at the Five Corners. That's all I can say. It's a very dangerous place to have a car wash. Any other location in New Windsor it's okay but not at the Five Corners.

MR. PETRO: You're aware this is a one bay car wash, it's not like Purple Parlor car wash, it's one.

MR. ANDRIOLLO: Car wash is a car wash. That makes worse one bay, that's worse because you can only go one car through.

MR. SCHIEFER: They went for those variances. I can answer one of your questions. The Zoning Board of Appeals turned them down because they were asking for a car wash and it was against our zoning regulations. They changed their plan and no longer in a position where they need any variances. Everything complies to the local code. I can sympathize with your objections but on the other hand, if they meet all the local requirements and we turn them down, we'll have another lawsuit on our hands.

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MR. ANDRIOLLO: The town is the one who counts. You have to care for your people, not for what they think. That's how I look at it. I care for New Windsor. That's the way I look at it.

MR. SCHIEFER: If they meet the zoning requirements, it's difficult to turn it down.

MR. ANDRIOLLO: We should fight for it. I am not against it, everybody is got to make a living. What they're asking for is only to satisfy their pockets, nothing else. They don't worry about New Windsor.

MR. SCHIEFER: We went through one last year, we turned one down, the applicant went to court and our turning it down cost the Town of New Windsor taxpayers \$37,000 in legal fees and they got what they wanted.

MR. ANDRIOLLO: Before you make any, what do you call, decision or anything, let's confirm with, you have a Town Attorney which is Mr. Krieger there, let's see what he has to say.

MR. SCHIEFER: You can ask him any question you want.

MR. KRIEGER: About?

MR. SCHIEFER: What's the question?

MR. ANDRIOLLO: Well, you said they meet all the criteria.

MR. SCHIEFER: They meet all the requirements.

MR. ANDRIOLLO: If they meet it, I'm going to have somebody look over it anyway. I don't care how much it cost me.

MR. KRIEGER: What the zoning law says is whether or not I can have a use in a permitted certain area. Once they pass that test and they say well, according to the zoning law, you can have that use. It's been the Planning Board's function to determine how, under what circumstances, what will it look like and to control its appearance and its operation. The zoning law defines what they have already passed that test, they are entitled to this whether anybody else likes it or

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not, they are entitled to it.

The function of the Planning Board is to determine how it's to be constructed. And when it's constructed in a manner that's best suited to the site and the use of the property and the public. But, the Planning Board doesn't have the power to turn around and tell them no, you can't do it at all. Once they pass the zoning test and once it's allowed, they have established it's an allowed use in this zone. The Planning Board has not the power to turn around and say no, you can't do it at all. They can regulate how they do it. They can require them to put screening and locate the buildings in a certain way and faced in a certain way but the ultimate determination that they are going to make today is whether or not that meets the how test, not the what test. They are legally entitled to put a car wash there if they want to.

MR. ANDRIOLLO: I have another question. What's the entrance will be on 94, isn't it?

MR. SCHIEFER: Yes, the single entrance.

MR. ANDRIOLLO: How many feet from the curb to the building?

MR. HUGHES: From a diagonal direction?

MR. ANDRIOLLO: The cars they're going in from 94, how many feet from the curb to the entrance of the building to the car wash? Which way are they coming in?

MR. HUGHES: Yes, coming in 94 or --

MR. VAN LEEUWEN: They can go out 94.

MR. KARTIGANER: Entrance is right here. So, you're stacking to the car wash would be over here.

MR. HUGHES: They can come in this way or in this way, one of these two.

MR. DUBALDI: You can stack a good ten cars back there.

MR. ANDRIOLLO: Ten cars is not enough. This is what I'm telling the Board. Ten cars is not enough. I'm from the city and I know a lot of car washes, a lot of

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car washes and believe me and sometimes you've got fifty cars on line to wash the car. What are you going to do with the other forty?

MR. HUGHES: Sir, if I could, I have Kenny Dykstra here from Ryco the manufacturer of the car wash. I'd like for him to answer you.

MR. DYKSTRA: Part of what you have missed from not being part of the other meetings is exactly what Mobil is proposing to do. The car wash that Mobil is putting is a rollover car wash, which is found in a service station. Ninety percent of the people who use the car wash will purchase gasoline first. They'll get gas and they'll use the car wash and then exit the property.

MR. ANDRIOLLO: That's not guaranteed. Why I should I buy gas, I wouldn't.

MR. DYKSTRA: I can't guarantee I'm going to live through this meeting, there are no guarantees in life.

MR. ANDRIOLLO: How many cars you going to have without blocking the road, that's the big question.

MR. HUGHES: I'd like to answer that question for you because Mobil just paid a little over three million dollars to do a national survey, paid an independent company to go out and do a survey and we paid engineers like Scott a lot of money to sit and video tape car washes and count the cars, how many come in and out and the maximum cars that were ever stacked at one of the locations was five and that was on a Saturday afternoon in August when it was at it most. The study found that there was almost never more than three cars stacked and that's nationwide, everywhere.

MR. ANDRIOLLO: Are you people from New Windsor?

MR. SCHIEFER: Yes.

MR. ANDRIOLLO: You must be familiar with the car wash, there were three cars you want me to tape movies about the car wash sometime? You want me to take it, if I take it, I bring it here and I show you there's more than three cars, there's more than five cars, there's more than ten cars and one time I couldn't go in Perkins from the back. I had to go all the way around

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to go, come inside Perkins.

MR. HUGHES: From Tommy and Matt's point of view, they hope that this gets that busy. We are ending up taking out part of their profits, I think that they would be happy.

MR. ANDRIOLLO: And you have a very busy 32 now you show me which way they are going to come in?

MR. HUGHES: In this way.

MR. ANDRIOLLO: This is 32, Central Valley, all right?

MR. HUGHES: Yes.

MR. ANDRIOLLO: Show me which way the cars are, they've got to cut, they've got to cut from here, okay, now when you've got ten cars here, this car is going to stop right in the middle of 32. Let the gentleman see I've got a lot of experience, believe me right here and if somebody gets gas or something, they leave the car what's going to happen? I want to just have a professional man go over this what I'm saying I'm very worried about New Windsor. I care for New Windsor and I'm going to be here a long time, if I don't die it's going to be a long time because I like New Windsor and I'm for the community in New Windsor and that's why I'm very positive and I am the way I am. I feel very strongly. What happened when this, there's traffic here?

MR. SCHIEFER: If they come in from there, there's room for a lot more than ten cars.

MR. ANDRIOLLO: How are they going to get there? The only way they are going to get there is like this other way otherwise they are going to cross.

MR. SCHIEFER: The traffic is flowing this direction, it's going north.

MR. ANDRIOLLO: He got a light right at that corner, a guy from 32 for him to go to the car wash, he has to swing this way. He can go 94, he has to come all the way around, you've got problems. Now, the reason I'm saying this because I had a problem when they built the road. The reason they closed me an exit because they

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are working about the Five Corners, the cars coming from the opposite side of the street cross the road and get into my property.

MR. SCHIEFER: Do you mind if I ask you, you have a business, where are you located?

MR. ANDRIOLLO: Citco on 32 and Forge Hill Road. I had a lot of arguments, tried to make it as smooth as possible. This is the way I know people that they don't want them to cross the road. And that is what it is going to be. The only way you're going to have, going to have a safety, they've got to work it right here, that's the only way. People come from 207, they are going to wait for the lights. If they want to go to the car wash.

MR. SCHIEFER: They are going to wait for the light, I don't really understand that argument. By the way, I have used Mobil car washes in Florida. It's very common and used as a promotional deal and it's a very low percentage of cars that go in there. Most of them are people that pull from the gas pump into the car wash. The ones that I have seen anyway.

MR. ANDRIOLLO: That's Florida. This is New Windsor. This is New Windsor. That's all I can say. I told you it's not a trend, I'm going to fight for what I want for the Town of New Windsor and it's all I can say.

MR. SCHIEFER: I would if I were you but I feel that I have been threatened.

MR. ANDRIOLLO: I say no threaten.

KATHERINE KELLY: I live in Vails Gate. I go to the post office everyday and I'm certainly around Vails Gate cause I'm only 300 feet from the corner and they have four car washes there. Once in a while on a Saturday afternoon at the four car washes you'll see it blocked but mostly never. This one certainly can take care of all with one.

MR. SCHIEFER: An extra car wash would probably reduce the traffic at the other one. Any other comments or questions from the audience.

KENNY DYKSTRA: Just again on the basis of the

information I've supplied the Board in the past, I've approximately 100 sites operating right along the same line as what Mobil is proposing to do, some are Mobil, some Aamco, all in Northern New Jersey and Upstate New York, the same as you have seen in Florida.

MR. SCHIEFER: The only time I have used them is when I'm in the gas station.

MR. DYKSTRA: I can understand the gentleman's concerns but I also understand his confusion because it's like saying a restaurant is a restaurant, it's not necessarily all the same, neither is what we are doing.

HERB SLEPOY: I just want to point out a problem that we have with the site plan and it has to do with drainage. There's a pipe and our engineer has spoken to the Mobil engineer and I want to see if I can pin this thing down. You seem to agree with what we objected to and whether he's here and whether he'll confirm it, I don't know. But, if you'll note that the way it is and I'm not an engineer but I'll just try to convey what the engineer told us that the water is going to be piped and what he did is just he marked it out in a green --

MR. SCHIEFER: Could you show it on the board where everybody can see it.

MR. SLEPOY: There is a drain here and what is going to happen if you'll look and I was there today, what you'll have is a heavy rain, the piping will now tend to flood this area and you get the water to the rear where there's a pond in the back. Now, in talking to the, our engineer talking to their engineer, he said, well, it's possible for us to lift this section up. It will cost money, he said, but we might consider doing that and my fear is that once they develop this thing and it's not a great deal of money to do, once they develop it and then we have that problem with where the water is spilling over to our property and it's now flooding us in the back, for them to undo that problem at this point would be very difficult to accomplish. So, therefore, the question is at this juncture to address it to note to know that it's a possibility of a flood plain and therefore, we are saying to them fellas, lift it up at this point so that we now eliminate that entire problem of possible flooding.

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MR. PETRO: Where would the water go once it's lifted up?

MR. VAN LEEUWEN: There's a pond way in the back.

MR. SLEPOY: But it will also drain off into their dry wells here that they have.

MR. VAN LEEUWEN: Lift up the parking lot a little bit because it slopes on that end.

MR. PETRO: The water that was going to go through that pipe now where is it going to go?

MR. SLEPOY: It will go back onto the site where it should belong, it should not spill onto the next property line.

MR. KARTIGANER: I can address this. I don't know if I should put it up or --

MR. SCHIEFER: Address on the board, please.

MR. KARTIGANER: This I have used some color to show what exists now, okay, and researched also the existing site plan for Pizza Hut. This currently shows what is shown in the red and extends over a bit that's this section of the property. It extends on this section of the property, what currently drains over onto the Pizza Hut property, on the Pizza Hut site plan.

MR. SCHIEFER: Let me ask a question. Do you in any part touch Pizza Hut property?

MR. SLEPOY: They all meet at this point.

MR. KARTIGANER: We --

MR. SCHIEFER: Adjacent piece is McDonald's control.

MR. SLEPOY: There's a gulley affect here which now will bring it, the water will flood back to the Pizza Hut and to McDonald's. They meet both and what happened is Pizza Hut, McDonald's and this site all meet.

MR. SCHIEFER: McDonald's extends all the way around

that property.

MR. SLEPOY: We understand that but it's only 50 feet that we are talking about that separates. Now, again, with that 50 feet, if the water goes onto the McDonald's property, it will then spillover onto the Pizza Hut property.

MR. SCHIEFER: Understand I was just trying to make clear you do not touch that property.

MR. SLEPOY: But the fact is that this has the potential of this water from here spilling over there and creating a problem while they are developing it. It means nothing to lift up that site slightly.

MR. MC CARVILLE: I'm confused. You're saying lift up what?

MR. VAN LEEUWEN: The parking lot.

MR. SLEPOY: In other words, instead of letting it slope this way, the water legally I think the water should come onto their own property.

MR. PETRO: I want to hear what Mr. Kartiganer has to say.

MR. KARTIGANER: I want to put into perspective what exists now and what is happening. What we have now is there are currently the drainage pattern does go across the property and onto Pizza Hut property. This is shown, this is the Vails Gate Five Corners, the Mobil Station and the adjacent property. There's a swale or there should have been on the site plan from the Pizza Hut going back to a point on the property is going back to approximately this 180 acre flood plain area and we are basically the type of that flood plain just this little tip of drainage area right here.

What I have done is taken this corner and just shown in the yellow the area that after the improvement this area and this area is virtually the same. We are really talking just a few hundred square feet. A problem with raising this section we are really just raising this section of the property is a few hundred square feet. It would raise it up, you know, probably 3 feet or so at least 3 feet and probably require

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retaining wall around this perimeter along this edge of the property and this is why we hesitate to do that. In fact, what we had done is try to get this drain over here, these drains along this area coming into the State drainage are fairly shallow and we had tried to get this drain, it was no intention of ours to try to, if we could have changed the drainage, we had attempted to do that but the existing, the lay of the existing site just shows it was very difficult for us to do.

MR. SLEPOY: But, from what I'm saying it's accomplishable. A number was thrown out what it would cost Mobil to do and it was not astronomical.

MR. HUGHES: I was the engineer and I spoke to Greg Shaw, your engineer and I'll tell you exactly what our discussion was that on this corner in order for us to raise this so that the drainage would then go this way, obviously something to drain needs a slope. In order to do that, we would end up raising the car wash and raising this land. You can't just raise one little teeney corner because it can drain so far but if it's not high enough all around it it still can't go anywhere. So, to raise this car wash another 2 feet would then be hiding Pizza Hut even more. We don't want to do that.

MR. SLEPOY: Don't be concerned about that. I'm not concerned about that at this location. My concern is the water. A number was thrown out and by yourself to him and again the number was again set it was plausible and practical to do but it would cost and the number was something like \$10,000.

MR. HUGHES: \$13,000.

MR. SLEPOY: What I'm saying to Mobil is that what it's got to cost, that's what it's got to cost. If you're spending what you're spending rather than have water spill onto my property and McDonald's property, this is part of the penalty you've got to pay to redevelop that property. Therefore, I say to Mobil who I think can afford the \$15,000, spend the \$15,000 and do the proper thing.

MR. VAN LEEUWEN: That's not the problem as far as I'm concerned, okay, I'm not going to sit here and approve a site plan with water dumping on somebody else's

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property. That's only me talking.

MR. PETRO: I want to address Mr. Kartiganer. You had mentioned earlier that on the Pizza Hut site plan there was supposed to be a swale along the rear of the property. Is that on the Pizza Hut site plan and if it's on the site plan it should come up to your site plan here or McDonald's and the 15 inch C.M.P. should be tied into a swale onto Pizza Hut if it was put there like it is supposed to be.

MR. KARTIGANER: I want to put this in perspective. This is a 1 inch equals 10 inch scale. This is maybe a few hundred square feet, the entire area we are talking about is about the size of this room and we are paving and this really virtually don't even need a swale at this area. You're not even collecting any water up to this point.

MR. PETRO: Fifteen (15) inch pipe has to end on his property somewhere so you're now collecting water.

MR. KARTIGANER: All we're doing, we can now, if we didn't curb this, very similar to how Mr. Slepoy's property is, they just used open curbs and his property which drains onto the adjacent property and we can do this just to keep the consistency of the design. It can be very easily done the same way.

MR. SCHIEFER: I personally prefer a swale because even though he says he doesn't want to, he doesn't care what we do, I sat through two meetings and that was Pizza Hut's number one concern. To elevate that building another 2 feet, I really don't go for that.

MR. SLEPOY: Does it really elevate it 2 feet? What I'm saying, let me ask a question, if at some future date that we find we are having a water problem, okay, can it be so stipulated that this company will address that problem and solve that problem?

MR. SCHIEFER: I cannot dictate that.

MR. SLEPOY: The point is that's what I'm saying and asking that you do it now.

MR. SCHIEFER: Should be resolved now.

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MR. PETRO: There's 160 acre collection water area directly behind these properties. It seems to me that it can be very easily addressed if it can be done jointly with the swale on your property over to where the pipe goes, the whole thing would not be a problem.

MR. SCHIEFER: You'd have better drainage than you have got today.

MR. VAN LEEUWEN: Can I say something, why don't you get together with Mr. Slepoy because you know we have got quite an agenda here, get together with Mr. Slepoy, iron it out and come back to us. Meantime, the next time we have a meeting, we'll go over and take a look.

MR. SCHIEFER: We've already looked at this. We have an engineer, our engineer, Mark Edsall. Mark, any comments on this?

MR. EDSALL: Scott, you said it was a couple hundred square foot of drainage area. This the drainage area, well, do you have the drainage areas for predevelopment/postdevelopment calculated?

MR. KARTIGANER: Approximately, I think we have the actual square footage. Where is that other, here it is graphically and I'll give you the square area, okay, this is currently what it is.

MR. HUGHES: I guess while they are looking at that, if I can just say something. We are not making a problem any worse than it is. It already drains there at this time. We are actually making it better. Please let me finish and I'll listen to your objections.

MR. EDSALL: You have got a situation where the drainage areas although not identical are very similar. Rather than raise buildings, it may be appropriate if there's a concern in increasing the drainage to make the applicant take a course towards making identical drainage areas discharge in the same direction it's already discharging. Therefore, there will be no change in the amount of area draining off the property in a particular direction.

MR. SCHIEFER: What does the applicant say to that rather than elevate or raise the entire thing to increase the drainage capacity of that swale?

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MR. PETRO: That might be Mobil's expense, you might have to go in there and make a swale.

MR. SLEPOY: I can't speak for McDonald's whether they're going to permit us to use the property.

MR. VAN LEEUWEN: Herb, I have known you from the past, I have been here like 20 years and you have been in on and off over the last 20 years. Why don't you get together with Mr. Kartiganer, get this ironed out because now we have got a long agenda.

MR. SCHIEFER: We are not going to have a vote on this tonight.

MR. SLEPOY: If we can resolve it between ourselves, we don't have to come back.

MR. SCHIEFER: I'd like it resolved two weeks from now at the next meeting we are going to vote on this and even if the applicant isn't here, I'd like to get an answer from Mr. Kartiganer. You guys have been together, you have addressed this issue.

MR. SLEPOY: I'd like one other point if I may make it. This is the first time I have seen this and the concern is after seeing it at this moment in time for the first time, the concern is that today and next year or four years from now the gentleman decides how are you going to control whether he's going to go --

MR. VAN LEEUWEN: Because the permit is only for so long and the permits have to be renewed if we see the fence is too high, he's got to cut it back.

MR. SCHIEFER: And the reason --

MR. SLEPOY: As long as I have some type of protection.

MR. PETRO: The type of growth you're putting might have a maximum height anyway.

MR. KARTIGANER: There's been some issues stated here and I want to have it as a matter of public record. One thing we did take a look at the Pizza Hut property, there's an existing drainage problem on the site so we want to have that as a matter of the minutes. Also, on

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the site plan, I think some of the problems on the Pizza Hut site when we want to work with you and it looks like just from observation not doing testing but the actual elevation of the finished floor elevation appears to be low. I haven't done any calculations.

MR. SCHIEFER: Sir, do you have any other objections because the next meeting I don't want to --

MR. SLEPOY: I want to go one step further if I might and that is, is it required or does the Planning Board insist that this be put here?

MR. SCHIEFER: We asked for screening.

MR. SLEPOY: Okay.

MR. SCHIEFER: You just told us that you didn't care if they blocked out your building.

MR. SLEPOY: The point is if I have to live with water on the property I'd rather settle for that.

MR. SCHIEFER: We'll address the water on the property.

MR. SLEPOY: That's all I'm asking. Thank you.

MR. SCHIEFER: I'll close the public hearing portion of the meeting and go back to the Board members. Do any of the Board members have any concerns? Mark, do you have anything?

MR. EDSALL: Yes, I wanted a couple of things on the drainage I think as much as it's a concern that was brought up at the public hearing and you haven't taken SEQRA action yet and I'm glad you didn't, you shouldn't have. We'll get a letter report and here's the information back, Scott, just give us a short letter report indicating the drainage areas, indicating that there's no increase in the drainage area nor the direction that it's being sent and we'll just put that in as a matter of record so if you can have that ready for the next meeting.

Also, we had submitted tonight a landscaping plan that also had lighting. What's the Board's pleasure?

MR. KARTIGANER: That's the existing lighting that's on

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the plan.

MR. EDSALL: Does the Board have a concern for the need for the change of lighting?

MR. KARTIGANER: There's been no increase in lighting.

MR. VAN LEEUWEN: As long as the lighting reflects in a downward position, I don't have a problem.

MR. PETRO: It's mostly in the canopy.

MR. EDSALL: They are telling us that they are not changing the lighting. I do have a concern. Are you going to reinstall the same lights are or they not going to be affected because they are perimeter?

MR. KARTIGANER: No new lighting.

MR. EDSALL: Are we getting new lighting or not?

MR. HUGHES: We are not putting up old light fixtures, you as an engineer I'm sure understand why.

MR. KARTIGANER: I misinterpreted.

MR. EDSALL: Does the Board want the lighting reviewed and anything else you want on the landscaping?

MR. SCHIEFER: Mark, look at the lighting and let us know if you find anything objectionable.

MR. EDSALL: Does the Board want an isolux plan because this isn't enough for me to review.

MR. SCHIEFER: If you feel you need more information, we ought to ask for it. Our engineer feels he needs an isolux plan, get together with Mark and satisfy him.

MR. DUBALDI: In John's honor.

MR. SCHIEFER: In John Pagano's honor, yes.

MR. PETRO: I think as far as the water problem, we go to that again, the engineer is just asking that there is no more water coming off the property than it is doing, give a letter to that effect but I think you should address making the swale, giving Mr. Slepoy,

getting together with him, do something with the swale. You're going to have machinery to take care of the water.

MR. LANDER: They have to get with McDonald's because that's their property that adjoins this property.

MR. PETRO: Maybe you can help them out too, getting rid of some of the water just to say on paper there's no more water coming off the property after finished construction than there is now, that's not helping him out.

MR. SCHIEFER: Scott, I don't think you'll have very much trouble with McDonald's. I happen to know they want to put an employees parking lot accessing it from their own so if you address this at this point, you'll get a lot of cooperation from them.

MR. EDSALL: Just for the record, we cannot design nor approve offsite improvements on private property. That's why I didn't bring it up. Whatever arrangements you people meet is purely a private matter and you should arrange that with your individual engineers and the town does not review improvements of a private nature between individual property owners. We don't want liability and we don't need additional reviews. If the swale wasn't originally on the plan, it should be there, if it was intended.

MR. KARTIGANER: That would be Mobil's concern to do work on somebody else's property.

MR. SCHIEFER: I know McDonald's has a plan and that's why I said you're not adjacent to Pizza Hut, you're adjacent to McDonald's and you're going to have to get them resolved but I'm positive at this point they'll be cooperative. I know the people there quite well.

MR. HUGHES: Can I say one more thing? Our attorney, Alan Lewis is here and we consulted with him prior to coming to the meeting concerning the drainage. And if we were not going to put a drainage part here at all just leave it open, have holes in the curb, it would be the same as it was before and possibly a little bit less because they are taking a lot of the other water here. By law, we are not required to do anything and there's no reason and I want everybody to understand

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that and it be in the record that we are trying to be --

MR. VAN LEEUWEN: Don't do it then, see what happens to your plan.

MR. HUGHES: Please let me finish. We are trying to be cooperative as we have been throughout the whole proceeding. Mobil has gone out of our way to meet with Fred Gardner, who is your associate and Greg Shaw, their engineer, to try and adapt and appease them to do whatever we could.

MR. SLEPOY: But you haven't done anything.

MR. SCHIEFER: I'm not going to get into this.

MR. VAN LEEUWEN: I don't like to be threatened.

MR. SCHIEFER: I ask you if you can make it a little better for Pizza Hut. This is what I'm hearing, we would appreciate it.

MR. HUGHES: Well, we'll look into even cleaning out the swale.

MR. SCHIEFER: I'm probably out of place by saying that you're hiding part of their building is not against the law but I have concern in that area too. I recognize that as long as you don't need the variance, you can do what you want.

MR. EDSALL: Is the State DOT approved or are they installing the landscaping items on or off your property? Is that what I understand this plan to show, the plantings along 94?

MR. HUGHES: Along through here?

MR. EDSALL: Yes, that's off your property, appears to be in the State right-of-way. Have they approved that and does it effect their sight visibility?

MR. KARTIGANER: We'll pull them back.

MR. HUGHES: They'll be within the --

MR. EDSALL: The Board should look at the landscaping

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plan.

MR. VAN LEEUWEN: I think you should look, this is the first time you have seen this?

MR. EDSALL: I got it tonight. Do you have any input for me?

MR. SCHIEFER: Mark will look at this before next week. Any problem at this point. I'd like to close the public hearing and --

MR. VAN LEEUWEN: I'll make a motion to do so.

MR. MC CARVILLE: I'll second it.

ROLL CALL:

Mr. Petro	Aye
Mr. VanLeeuwen	Aye
Mr. McCarville	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Schiefer	Aye

-----X
In the Matter of Application for Site Plan/~~Subdivision~~ of
Mobil Oil Corp. (Rt. 94 & 32 Vails Gate),
Applicant.

-----X

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

That I am not a party to the action, am over 18 years of age and reside at 350 Bethlehem Road, New Windsor, NY 12553.

mailed - 10
Delivered - 3

Sworn to before me this

18th day of September, 1991

Cheryl L. Conner
Notary Public

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
4881654
Commission Expires December 29, 1997

AFFMAIL.PLB - DISC#1 P.B.



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

August 29, 1991

Christopher Fullam
Kartiganer Associates PC
555 Blooming Grove Trpk.
New Windsor, NY 12553

Re: Tax Map Parcel: 69-4-26.2
Owner: Mobil Oil Corporation

Dear Mr. Fullam:

According to our records, the attached is a list of all properties contiguous to the above mentioned property.

The charge for this service is \$25.00, which you have already paid as your deposit fee.

Sincerely,

L. Cook/cad

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Myra Mason

Prekas, Steve
3 Warden Circle
Newburgh, NY 12550 ✓

Prekas, Steve
1 Topaz Court
Spring Valley, NY 10977 ✓

Hess Realty Corp.
1 Hess Plaza
Woodbridge, NJ 07095 ✓

Conna Corporation
c/o Convenient Industries of America, Inc. ✓
Real Estate Dept., P.O. Box 35710
Louisville, KY 40232

McDonalds Corp. 031/0159
P.O. Box 66207
AMF Ohare
Chicago, Illinois 60666 ✓

Leonardo, Constantine ✓
18 Oak St.
Newburgh, NY 12550

Leonardo, Samuel
7 Dogwood Hills Rd. ✓
Newburgh, NY 12550

Slepoy, William & Andrew & Jacqueline & Fred Gardner ✓
1303 Harbor Road
Hewlett, NY 11557

9/18/91 @m

8- Names above

5- { Board Chairman
Pauline Townsend
13 { George Green
Mark Edsall
Andrew Krueger

Mailed 10

Hand Delivered to: Town Clerk
P.B. Chairman
Supervisor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on October 16 1991 at 7:30P.M. on the approval of the proposed Site Plan - Special Permit (~~Subdivision of Lands~~)* (Site Plan)* OF Mobil Oil Corporation located at the corner of Routes 94 and 32 (sec. 9- block 4- lot 26.2) Map of the (~~Subdivision of Lands~~)(Site Plan)* is on file and may be inspected at the Building Insp Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: September 17, 1991

By Order Of

TOWN OF NEW WINDSOR PLANNING BOARD

~~Henry F. Scheible~~
CARL SCHIEFER
Chairman

NOTES TO APPLICANT:

- 1). *Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication (at least 10 days prior to hearing) of this Notice is fully the Applicants.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

(ZBA DISK #7-092091.FD)

-----x
In the Matter of the Application
of

MOBIL OIL CORPORATION

DECISION GRANTING
AREA VARIANCES AND
DENYING OTHER AREA
VARIANCES

#91-23.
-----x

WHEREAS, MOBIL OIL CORPORATION, maintaining a place of business at 50 Broadway, Hawthorne, N. Y. 10532, has made application before the Zoning Board of Appeals for the following area variances: (1) 1,830 sq. ft. lot area, (2) 21 ft. front yard (car wash), (3) 36 ft. front yard on Route 94 (canopy), (4) 4 ft. front yard on Rt. 32 (canopy), (5) 3 ft. side yard (canopy), (6) 13 ft. rear yard (car wash), and (7) 6.5 ft. building height (car wash), in connection with a proposed rebuilding of applicant's service station at Five Corners, Vails Gate, Town of New Windsor in a C zone; and

WHEREAS, a public hearing was held on the 22nd day of July, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented at said public hearing by Scott Kartiganer, P. E. of Kartiganer Associates, P. C., its engineering firm, and by Gary Hughes of Mobil Oil Corporation, and by Tom Florio, of Advanced Automotive, the lessee of Mobil Oil Corporation at this site, and by John Knox, of Ryco, the firm Mobil Oil Corporation engaged in connection with the proposed car wash at this site, all of whom spoke in support of the application; and

WHEREAS, the public hearing was attended by a number of spectators who spoke in connection with the application, to wit, Greg Shaw, P. E., representing Fred Gardner and Herbert Slepoy, co-owners of a nearby parcel of real property, who objected to the proposal on the grounds that his clients property is some 5 ft. lower in elevation than the applicant's site and that if the variances on the proposed car wash are approved, the Pizza Hut Restaurant located upon his client's real property would no longer be visible from the Five Corners intersection and that, the proposal would generate traffic flow problems both upon the site and at the Five Corners; and that the applicant simply proposes to put too much on this site; and that variances should not be granted to the applicant which would result in diminishing the visibility of his client's property; and that granting the variances on the car wash would diminish the attractiveness of Vails Gate as a business area; and that water discharging from the applicant's site would ultimately flow onto his client's property (Mr. Hughes offered to redesign the flow path to direct the water towards the front of the property in response to this objection); and by Fred Gardner, one of the co-owners of the nearby real property upon which the Pizza Hut Restaurant property is located, who objected to the variances sought for the car wash

on the grounds that the applicant was unable to show significant economic injury warranting the granting of the variances for the car wash on the basis that the applicant was not pumping an insufficient amount of gas from the site at the present time which would warrant construction of the car wash to improve his profitability (at which point Mr. Hughes agreed that the applicant was not pumping an insufficient amount of gas at the site the ensure its profitability); and that water run off from the car wash would ultimately be received on his property; and that the reduction of the access to Route 94 to a single curb cut would cause additional traffic problems; and by Carmine Andriuollo, the owner of a service station located upon the same road as the applicant and approximately one-third mile distant therefrom, who objected to the variances pertaining to the car wash (but not the variances pertaining to the gas station and convenience store) upon the basis that the location for the car wash was inappropriate in that it would generate too much traffic at the already congested Five Corners intersection and that too many variances were needed to construct the proposed car wash; and by Herbert Slepoy, one of the co-owners of the nearby real property upon which the Pizza Hut Restaurant is located, who objected to the variances required for the proposed car wash on the grounds that simply too many variances were needed in order to construct the car wash; and that, since the existing gas station is already successful, the applicant is merely seeking more profit at the expense of the general public and the applicant's neighbors; and that the proposed car wash would generate many traffic problems which he felt the NYS Department of Transportation had not fully considered in its recent redesign of the Five Corners intersection; and by Floyd Scholz, who is affiliated with the McDonald's Restaurant, which is adjacent to the applicant's site, who did not object to the applicant's proposals but was concerned that the new canopy would not impair the visibility of the McDonald's Restaurant (and it appeared that since the proposed canopy would be set back further than the present canopy, apparently the visibility of McDonald's Restaurant would be improved if the necessary variances were granted); and by Carl Schiefer, Chairman of the Town of New Windsor Planning Board who indicated that the plan now before the Zoning Board of Appeals was selected primarily upon the basis of optimal traffic flow within the site; and that the Planning Board had not been presented with, nor did they consider, the objections now being raised by the public concerning the applicant's proposed plan; and that other plans proposed by the applicant might have called for lesser variances in regard to the car wash but such plans were not deemed desirable considering the issue of traffic circulation; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking permission to vary the provisions of the bulk regulations

pertaining to lot area, front yard (car wash), front yard on Route 94 (canopy), front yard on Route 32 (canopy), side yard (canopy), rear yard (car wash), and building height (car wash) with regard to the proposed rebuilding of applicant's existing service station by removing entirely the existing building with automotive service, pumps and tanks, and to build an entirely new, smaller gas station/convenience store, pumps and tanks as well as add a car wash, in a C zone.

3. The evidence presented by the applicant substantiated the fact that variances for less than the allowable front yard (car wash), front yard on Route 94 (canopy), front yard on Route 32 (canopy), side yard (canopy), rear yard (car wash), and building height (car wash) would be required in order to allow the proposed rebuilding of applicant's service station which otherwise would conform to the bulk regulations in the C zone./

4. The evidence presented by the applicant indicated that it received area variances from the Zoning Board of Appeals on January 11, 1982 to locate the existing canopies in the required front yards on the site. The applicant's present proposal for front yard and side yard variances for the proposed reconstructed canopies involves a smaller variance request than was previously granted upon this site. Consequently the applicant's proposal would come closer to the bulk requirements than the canopies presently existing at the site.

5. The evidence presented by the applicant indicated that a 1,830 sq. ft. lot area variance became necessary due to the fact that the area within a sewer easement (which the applicant granted to the Town of New Windsor gratis) must now be deducted from the gross lot area. If the area of this sewer easement was not deducted from the gross lot area, no lot area variance would be required in connection with this application. Consequently, this board finds that since the area of the lot remains unchanged, and since the deduction for the sewer easement was the result solely of a change in the applicable local law for computation of lot area, and since the granting of the sewer easement by the applicant to the Town of New Windsor was uncompensated, the applicant certainly will suffer significant economic injury from the application of the new lot area requirements to this lot in the light of the foregoing circumstances.

6. The evidence presented by the applicant indicates that the applicant's proposed rebuilding of its service station really is a proposal to demolish the existing service station, with its auto service facilities, pumps and tanks, in their entirety, move the building location back on the property, and replace it with an entirely new building to service gasoline customers with a convenience store, as well as rebuilding the pumps (same number of pump islands) and tanks, and in addition, add an entirely new car wash facility.

7. The Board finds that the applicant's decision to demolish the existing building, pumps (with canopies) and tanks causes it to lose its status as a nonconforming building

permitted by virtue of the previously granted area variances for the canopies. The applicant's proposal to demolish the existing facilities and replace them with entirely new facilities, in different locations, which creates new nonconformities, does not fall within the "grandfathering" provisions of Zoning Local Law Section 48-25(B). Thus the applicant's application is treated as one for entirely new construction on the subject lot.

8. The applicant now proposes to change its use of the property by eliminating automotive service, adding retail sales at a convenience store, and adding the car wash. The Zoning Board of Appeals has not considered the applicant's proposed change of use on this application since the property is currently in the Design Shopping, C zone, in which retail stores are uses permitted by right and gasoline filling stations and service repair garages are uses permitted by special permit (Table of Use/Bulk Regulations, Design Shopping - C - Zoning District, Column A, Use 1, and Column D, Use 5, respectively. The Board notes that the definition of "gasoline service station" in Zoning Local Law Section 48-37 includes the sale of motor fuels, the sale of petroleum products, as well as washing services. Thus, the change of use proposed by the applicant and the necessary special permit must be addressed by the Planning Board upon its review of the applicant's site plan. This Board has only considered the area variances requested.

9. The evidence presented by the applicant indicated that the proposed rebuilding of its service station was needed for economic reasons in order to upgrade the site to standards for the 1990's in order to remain competitive in the market place; as well as to keep up with new technology in order to continue making a profit and to continue to be competitive in the future by having an appealing looking facility for the long term; the applicant's present service station is some 20 years old, with old pumps and vapor recovery problems; the proposed rebuilding will update all of these outmoded facilities with more profitable facilities equipped with the latest technology; in addition, the applicant seeks to enhance safety on the site in order to improve the public safety and decrease exposure to liability in the event anyone is injured on the site or entering or exiting the site; and the applicant seeks to increase its business by improving visibility at the site by making it more open, more attractive, cleaner and safer.

10. The evidence presented by the applicant further indicated that it proposed to locate car wash on the site for the convenience of its customers, to keep pace with the latest technology, and to make an additional profit. It appeared from evidence at the hearing that the applicant could locate the car wash on some other portion of its lot without any variances at all, or possibly with smaller variances, but, based upon the review of the site plan by the Planning Board, it appeared that safety considerations for internal traffic circulation dictated the site plan now presented to the Zoning Board of Appeals. Alternative locations apparently had less favorable internal traffic flow and may have involved locating facilities over part of the sewer easement and/or causing problems with parking and

turning delivery gasoline tankers. This Board is charged, pursuant to the provisions of Zoning Local Law Section 48-33(B)(1)(b), to grant the "minimum variance" that will allow the applicant a reasonable use of the land or building. It is the finding of this Board that the applicant can continue to use its land as a gas station, and could even add a convenience store thereto (assuming that the Planning Board grants the necessary approvals) with only a lot area variance, and the applicant can even reconfigure its pump islands and canopies with variances that are smaller in magnitude than the previously granted variances for this site. Thus, it is the finding of this Board that if the lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy), and side yard (canopy) variances were granted, the applicant would be able to make a reasonable use of its land and building. The remaining question concerns whether granting the variances for front yard (car wash) and rear yard (car wash), as well as building height (car wash) constitute the "minimum variances" that will allow the applicant the reasonable use of its land or building.

11. It is the finding of this Board, after hearing extensive input from the public as well as the Chairman of the Town of New Windsor Planning Board, that in the light of the proof presented by the applicant, the applicant has in fact shown significant economic injury from the application of the bulk regulations to its land with respect to the variances sought for 1,830 sq. ft., lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy), and 3 ft. side yard (canopy). It is the finding of this Board that the applicant has sufficiently demonstrated practical difficulty in order to entitle it to be granted the foregoing area variances. It is the further finding of this Board that the applicant has not presented sufficient evidence to show significant economic injury from the application of the bulk regulations to the variances sought for the car wash, to wit, 21 ft. front yard (car wash), 13 ft. rear yard (car wash) and 6.5 ft. building height (car wash). The applicant has not alleged, nor have they offered any proof that the site, without the car wash, is uneconomic. The car wash apparently would only increase the applicant's return. Further, it appears that the applicant could still locate the car wash on this site either without any variances or with smaller variances than have been requested on this application. Thus, the applicant is not denied a reasonable use of its land or building by the denial of the variances for the car wash which are sought herein. This Board finds it significant that the site plan referred to the Zoning Board of Appeals by the Planning Board was chosen solely on the basis of the internal traffic circulation. Since the Planning Board had not conducted a public hearing on this application, it did not have the benefit of the objections raised by members of the public at the public hearing conducted by the Zoning Board of Appeals. Thus, although other plans might not call for the optimum in internal traffic circulation, they might provide for development of this site which is more in keeping with the bulk regulations of the Town of New Windsor. It is the finding of this Board, that after granting the variances with regard to lot area and the yard variances pertaining to the canopy, the applicant is able to make a reasonable use of its land and

building. The mere fact that the applicant could make additional profit and that the internal traffic flow might be optimized by locating the car wash in the proposed location, is not sufficient to warrant the variances requested concerning the car wash. Considering all of the input with regard to the car wash location, it is the finding of this Board that the applicant, if it chooses, can redesign its car wash location, to locate the same either without requiring variances or with variances of a smaller magnitude than is the subject of this application.

12. Consequently, this Board does not find that the applicant has demonstrated practical difficulty sufficient to warrant the granting of the 21 ft. front yard (car wash), 13 ft. rear yard (car wash) and 6.5 ft. building height (car wash) variances since alternative designs could eliminate or reduce the need for such variances as well as reducing the impact of such construction upon the public and the neighboring properties. It is the finding of this Board that the proposed car wash construction must be reviewed in the light of the bulk regulations and the health, safety and welfare of the public, and the impact of the proposal on the neighbors, not merely in the light of the optimal internal traffic circulation on the site.

13. This Board's decision should not be read as one which would deny all front yard, rear yard and building height variances on the applicant's land for construction of a car wash facility. Given a new application, which possibly could include requests for variances of a smaller magnitude, based upon a different design and/or layout that did not have such impact upon the bulk regulations in the neighborhood, and given appropriate to the health, safety and welfare issues arising therefrom, it is possible that this Board could act favorably upon such variance request if the applicant was able to demonstrate the requisite practical difficulty.

14. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy) and 3 ft. side yard (canopy), are not substantial in relation to the required bulk regulations since the property area remains unchanged but the computation of lot area has been changed only by an amendment to the local law regarding deduction of sewer easement area and the above front yard and side yard variances are smaller in magnitude than those which presently exist for the canopies now at the site. However, as to the requested variances for 21 ft. front yard (car wash), 13 ft. rear yard (car wash), and 6.5 ft. building height (car wash), this Board finds that they are substantial in relation to the required bulk regulations.

15. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy) and 3 ft. side yard (canopy), will not result in substantial detriment to adjoining properties nor change the character of the neighborhood. It is the further finding of this Board that the requested variances for 21 ft. front yard (car wash), 13 ft. rear yard (car wash), and 6.5 ft. building height (car wash) would result in substantial detriment to adjoining

properties and would change the character of the neighborhood.

16. The requested variances for 1,830 sq. ft. lot area, 36 ft. front yard on Route 94 (canopy), 4 ft. front yard on Route 32 (canopy), and 3 ft. side yard (canopy) will produce no effect on population density or governmental facilities.

17. There is no other feasible method available to applicant which can produce the necessary results as to lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy) and side yard (canopy) other than the variance procedure.

18. The interest of justice would be served by allowing the granting of the requested variances for lot area, front yard on Route 94 (canopy), front yard on Route 32 (canopy), and side yard (canopy), and by denying the requested variances for front yard (car wash), rear yard (car wash) and building height (car wash).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of the Town of New Windsor GRANT, as originally numbered, (1) 1,830 sq. ft. lot area, (3) 36 ft. front yard on Route 94 (canopy), (4) 4 ft. front yard on Route 32 (canopy), and (5) 3 ft. side yard (canopy) variances for the proposed rebuilding of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Zoning Board of the Town of New Windsor DENIES, as originally numbered, (2) 21 ft. front yard (car wash), (3) 13 ft. rear yard (car wash), and (7) 6.5 building height (car wash) variances, for the proposed rebuilding of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

AND, BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.


Chairman

Dated: September 23, 1991.

MOBILE OIL SITE PLAN

MR. EDSALL: I received numerous phone calls requesting that I ask the Board to consider declaring a date for the public hearing for the Mobile Oil Site Plan because of their --

MR. VAN LEEUWEN: Vails Gate, they take the car wash out yet?

MR. SCHIEFER: The Zoning Board of Appeals has not approved the car wash. They rejected it but this is still a need for a public hearing on the rest of it.

MR. EDSALL: You have their letter, it asks that you declare a public hearing. I assume they want one.

MR. KRIEGER: Would you want to see a revised site plan without the car wash?

MR. BABCOCK: Maybe I can clear something up. I don't think the Zoning Board of Appeals rejected the car wash. What they did is rejected the location that would require variances for the car wash so if they can relocate the car wash in another area that would not require a variance. But, they did give them several other variances.

MR. SCHIEFER: The only one they turned down was the location of the car wash and that was based on the objection of the Pizza Hut.

MR. EDSALL: Didn't they modify the plan and with that modification, they received all the rest of the variances they needed, I believe they are ready to come back to the Board so they are through with the Zoning Board of Appeals.

MR. SCHIEFER: Do we want a public hearing on that site plan?

MR. VAN LEEUWEN: I have to see the site plan first.

MR. EDSALL: I have no problem if you want to see it again.

MR. SCHIEFER: Tell them to bring in the new site plan

August 28, 1991

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and we'll set a public hearing.

MR. EDSALL: Next available agenda as normal coming in
and you'll set it up.

Mobil Oil Corporation

50 BROADWAY
HAWTHORNE, NY 10532

September 3, 1991

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553
Attn: Mr. Carl Scheifer
Planning Board Chairman

MOBIL OIL SERVICE STATION
RT. 94, VAILSGATE, NY

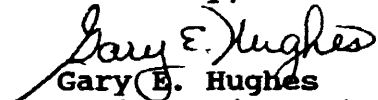
Dear Mr. Scheifer:

We are currently working on a project that is in front of the Planning Board for Mobil Oil Corporation at the subject location. Time is of the essence on scheduling the review of the project and public hearing (if required). The project involves the full rehabilitation of the station and is substantial. Realistically, if we do not get an approval by October 1, and building permits by October 4, we will not be able to construct this year. Obviously, this project would serve to bolster the local construction economy if we can build this season. We utilize as many local contractors and suppliers as possible (i.e. Ira Conklin, New Windsor Electric, etc.).

We believe the project is very close to approvals, but recognize that approvals have been delayed due to the unanticipated overloading of applications to the planning board. Our project was resubmitted to the planning board on the 7th of August -- one day after a favorable workshop meeting on the August 6th. We have been unsuccessful in getting on the last two agendas. We request urgent consideration be given to a confirmation of the scheduling of our project on the next, and if required, subsequent meetings of the planning board. We also request this be given priority, if possible, in front of new project applications.

Thank you very much for your help in this situation. If there are any questions, please do not hesitate to contact me at 914-742-2905.

Sincerely,


Gary E. Hughes
Mobil Project Engineer

cc: S. P. Trifiletti, Field Engineering Supervisor
S. T. Kartiganer, Local Consultant
G. Green, Supervisor, Town of New Windsor

KKARTIGANER
ASSOCIATES, P.C.
CONSULTING ENGINEERS

555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 562 - 4391

3 September 1991

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

ATTENTION: MR. CARL SCHEIFER
PLANNING BOARD CHAIRMAN

SUBJECT: MOBIL OIL SERVICE STATION
ROUTE 94
VAILS GATE, NEW YORK

ZBA PUBLIC HEARING MINUTES

Dear Planning Board:

Please find attached the Minutes of the Zoning Board of Appeals Public Hearing for the Mobil Vails Gate site. We believe the comments received at this hearing were complete and inclusive of not only the zoning, but also address the public's site planning comments. These comments were addressed in our 6 September Planning Board submittal. In that ZBA hearing, some variances were granted with the exception of those pertaining to the car wash. In our new submittal, the car wash has been located totally within the parameters of the zoning and do not require any variances.

In this regard we are requesting that the Minutes of the Public Hearing for the ZBA be made a part of the Planning Board Minutes and a requirement for a Public Hearing on the project be waived.

Should you have any questions, please do not to contact me at your earliest convenience.

Very truly yours,

KARTIGANER ASSOCIATES, P.C.


Scott T. Kartiganer, P.E.
Project Manager

STK:lm

cc: Gary Hughes, Mobil Oil Corp.

NWPBLTR.STK
di 141

PUBLIC HEARING: MOBIL OIL CORP.

MR. FENWICK: This is a request for (1) 1,830 square foot lot area, (2) 21 foot front yard (car wash), (3) 36 foot front yard on Route 94 (canopy), (4) 4 foot front yard on Route 32 (canopy), (5) 3 foot side yard, (6) 13.0 foot rear yard (car wash), and (7) 6.5 foot building height variances for purposes of rebuilding of service station with addition of car wash/convenience store at Five Corners in a C zone.

Scott Kartiganer, P.E. and Gary Hughes came before the Board representing this proposal.

MR. KARTIGANER: We have been working on this project for a while. Just to go over for those who haven't heard it before --

MR. FENWICK: If there's anyone in the audience here in reference to this Mobil Oil, would they please sign the sheet.

MR. KARTIGANER: The purpose of this variance request is to request a setback and primarily a setback in height variance for a car wash structure on the property. Also some setback on the canopy and slight area variance. The reason that the structure had been located where it is it provides for a better primarily provides for a better internal circulation pattern around the buildings and creates a better and safer exit and entry from both 32 and 94.

This arrangement was preferred by the Planning Board at the May 22, 1991 meeting after we reviewed several tentative plans. One of those, several of them did include ones without any variance or setback or height variances. What should be noted and what was taken into consideration in this arrangement as presented by Mobil is that it provides for only a single entry and exit on a busy Route 94, storage lane at the Vails Gate intersection. Currently, we have two entrances at this intersection. We'd be using the one and much farther back. This is in lieu of the two that we are allowed by the DOT. We feel for our own station that it makes for a better traffic pattern and safety is very important. Should be noted that Mobil intends to do extensive landscaping. We are not showing landscaping here. I

have the landscaping plan, even in excess of what is required by the town and by the Board. The full landscape area we recognize this is an important juncture.

The area variance is due to a request by the Planner that we take off this 30 foot sanitary easement through the site from our net area. The overall site originally met all the area variances. This was something that was given to the town gratis. We didn't realize it was going to put us into an area variance situation. The overall canopy area, our setback, as it exists now at the site, has an already has an existing variance to it. The variance that we are requesting with this one we can make that a less of a variance request.

Economically, this is the request of the Board, we need to upgrade and modernize the site to 1990 standards to remain competitive with generally in the marketplace. The access, one of the functions is access of the internal flow would make greatly makes people come to the station, they can get in and out of it easier. In this time of litigation, it's a function, our liability whatever we can do to enhance the safety and make ease of storage internally keeping the cars away from the road which we have done in this scenerio greatly reduces the risk of liability, corporate exposure. That's all I have.

MR. NUGENT: One thing you left out for the audience in particular was that the lot was going to be leveled to start off with.

MR. KARTIGANER: Basically, we're redoing the entire site. We're taking down the existing gas station, taking out the existing pumps. We're taking out tanks, it's totally taking it down to scratch, rebuilding the whole entire station brand new. Curbing, landscaping, building itself, pumps, it's a full rebuild of the station.

MR. FENWICK: Just want to read this for the record from Orange County Planning and Development. This is part of the application where it has to go to the County because it borders a County or State road. Comments from the Orange County Planning Federation is that there are no significant intercommunity or countywide concerns to bring to your attention.

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MR. LUCIA: I think that's the Orange County Planning Department.

MR. FENWICK: Oh, yes, it says Orange County Planning and Development.

MR. HUGHES: Last meeting you, asked us to provide a large blow-up of the site. As you can see --

MR. KARTIGANER: This is what it looks like now as it's existing.

MR. HUGHES: It's somewhat, kind of ugly when you look at it, it's not very appealing at all and it's outdated, just not in keeping with the station.

MR. FENWICK: Is there any other questions from the Members of the Board?

MR. KARTIGANER: This is the proposed site computer generated without the trees or landscaping so you have to fill them in.

MR. HUGHES: Basically, what I did is I took a picture of the site right there, I scanned it into the computer and then we erased the station that is here basically all these different things and then superimposed what we're going to build in the meantime and that's if you'd like to look at that.

MR. NUGENT: One thing I think that ought to be brought out, there are no service bays in this new plan, there's what three or four now?

MR. HUGHES: How many are there now?

MR. FLORIO: Three (3).

MR. NUGENT: There will be none?

MR. FLORIO: Right.

MR. FENWICK: Strictly going to be a gas station/convenience store/car wash?

MR. HUGHES: That's correct, yes.

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MR. FENWICK: Wouldn't be any storage of vehicles on site? There's no repair work being done?

MR. HUGHES: No.

MR. FENWICK: Will you be doing any repair work?

MR. HUGHES: I'm sure the only cars parking there will be those using the market. We have Mr. Florio here.

MR. FLORIO: My name is Tom Florio.

MR. FENWICK: What is your interest?

MR. FLORIO: I'm a principle in the corporation.

MR. LUCIA: Mr. Florio, not Mobil Oil Corporation?

MR. FLORIO: Advanced Automotive.

MR. LUCIA: You'll be leasing the station from the owner, Mobil?

MR. FLORIO: Correct.

MR. FENWICK: Is this going to be 24 hours?

MR. HUGHES: Car wash, the whole station will be open 24 hours of service, that's correct, yes.

MR. FENWICK: Seven days a week?

MR. HUGHES: Yes.

MRS. BARNHART: I have an Affidavit of Service by mail here where on July 10th, I sent out 29 addressed envelopes.

MR. FENWICK: I'll open it up to the public. Try to be brief, give your name and address, please.

GREG SHAW: May I approach the Board?

MR. FENWICK: Sure.

MR. SHAW: My name is Greg Shaw from Shaw Engineering. Tonight, I'm representing Fred Gardner and Herb Slepoy who are adjacent property owners to this site. They own

the land of Pizza Hut. As this Board is aware, Vails Gate is a very busy intersection. So busy that the State is spending approximately four million dollars in improving and upgrading the traffic circulation.

As I mentioned, my client owns Pizza Hut which is to the rear of this property. It's lower in elevation than the Mobil Oil. There's a big difference between the before and after photos of this proposed project. Before you'll be able to see Pizza Hut very clearly and distinctly. After this car wash is built, you'll not be able to see Pizza Hut from the Five Corners intersection. Again, I brought out to the Board that the Five Corners is a very valuable commercial area. And to take that visibility away from Pizza Hut to allow these gentlemen to encroach on the front yards, side yard and building height variances, is really unfair to my client. You're asking for many variances tonight but our primary objection is to the car wash.

Again, you're encroaching on the front yard which again is going to effect our visibility. The side yard also. The building height variance is being requested, Pizza Hut being lower in elevation, I believe this computer generated perspective is not correct. You're just going to see very little of Pizza Hut that which is above the car wash and the Mobil Mart and that which is below the canopy.

In the presentation made by the applicant, I didn't hear a discussion on economic hardship, on practical difficulties, on affecting real estate values in this area. I think the Board now can see that it's dramatically going to effect the Pizza Hut property. I mentioned before about the New York State DOT, the curb cuts that the project is going to generate are they existing curb cuts or new?

MR. KARTIGANER: The new project?

MR. SHAW: Yes.

MR. KARTIGANER: Our project is utilizing one existing one, there's existing four curb cuts out there now. We're reducing that down to three. One on 94, between setback closer to the farthest back setback. Currently, the DOT is installing the curb cuts as they designed on

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the highway cause we have an existing operating station at this time.

MR. HUGHES: This is what they have here now, one here, one here and two in the front as well so this intersection being so close to this corner right here, this being a major avenue, it's relatively unsafe.

MR. SHAW: My point, Scott, let me ask the question, has the DOT reviewed this project that being the three uses which are now going to be encompassed on this one site with respect to the existing curb cuts?

MR. KARTIGANER: They are currently reviewing this one. This was a field modification we had requested this slight change because it doesn't effect our entry and it's farther away. So far, we have had very positive response from the DOT, as far as moving just a singular road entry from that direction.

MR. HUGHES: I think what you're asking, if I'm not mistaken, has the DOT seen this with the car wash?

MR. SHAW: Correct.

MR. HUGHES: Yes, they have.

MR. SHAW: Cause your concern, all right, is before you had the gas business and a small mini mart, am I correct, and now we're throwing this third business, that being the car wash onto the site. The traffic patterns are going to be substantially different and again with the money that's been pumped into the intersection to try and straighten out the traffic problems, I think getting their input on this site plan would be appropriate also.

MR. KARTIGANER: They're currently reviewing that. The initial response has been most favorable. Mostly because it will be taking back the entry, this 94 entry that currently exists.

MR. HUGHES: Are you concerned about the congestion where just so I understand?

MR. SHAW: In and out of the overall parcel, it's relatively small, you're going to have many bays for gas.

MR. HUGHES: Well, there's four islands right and obviously the smaller one with the access into the car wash.

MR. SHAW: Four plus the mini mart plus the car wash, that's quite a bit of activity on a site that's approximately how large?

MR. HUGHES: About an acre.

MR. KARTIGANER: It's a full size.

MR. SHAW: I think this Board, my recommendation would be to get some input from the New York State DOT with respect to the circulation and the use on this property.

MR. FENWICK: The use is appropriate. It's not something we're addressing. Everything we're addressing is area.

MR. SHAW: I realize that. Maybe the intensity of it again right now you have one and a half businesses and you're really doubling it, the amount of traffic that this site is going to generate is going to be substantially different than what it is right now. I think that is my point.

MR. LUCIA: Also assume the Board grants them the variances for this proposal they still go back to the Planning Board because you still need a special permit to operate a gas station. Is that correct?

MR. KARTIGANER: Correct.

MR. LUCIA: I believe the car wash requires 21 foot front yard setback. If it were constructed in a conforming manner, in other words, further back from 94, would that still partially impact your clients?

MR. SHAW: I think it would impact my clients but if they were consistent with the zoning, maintaining the front yard setback, maintaining the side yard setback.

MR. LUCIA: One at a time, just the front yard?

MR. SHAW: I think all three are tied together because the building height is tied into the nearest distance to the nearest lot line.

MR. LUCIA: And the rear yard, if that were made to conform, would that actually worsen the client's position if that building were pulled out towards 32?

MR. SHAW: I'd have to see the plan. I can't tell from this drawing. I can't react to that that quickly.

MR. LUCIA: Similarly on the variances requested on the canopy which would be front yard which is the only one relevant to you, that's the 46 foot request on the canopy, did the applicant say that that was actually a lesser variance than the existing variance?

MR. HUGHES: Yes.

MR. KARTIGANER: Really, yes.

MR. SHAW: Our only request on the canopy is that it be as high as the existing canopy, the fascia depth not exceed the existing fascia depth. If you were to look at this perspective trying to see where Pizza Hut is in the rear if this canopy was lower, we'd get blocked out. If the fascia depth is deeper, we'd get blocked out. So, our, we really have an objection to the canopy we'd like to see it as high as the existing canopy and the fascia depth be no deeper, we'd like to maintain the canopy that we presently have under the existing canopy, the front yard setback we're really not concerned about.

MR. LUCIA: The rest of my question is if the variance request is lesser than the existing canopy, are they really improving the client's visibility?

MR. SHAW: I really don't think the front yard setback comes into play. If the building is, you're correct, the existing canopy encroaches out to 94 greater than what I believe the proposal is before this Board so we can again we're not taking an objection to the front yard setback to the canopy.

MR. LUCIA: Thank you.

MR. SHAW: As far as your other question, if this building was moved in this fashion --

MR. LUCIA: Both I guess to the lower left corner of that plan would that be pulled away from the rear line away from 94?

MR. SHAW: The car wash, the limits of the car wash in order for it to conform, we'd have to slide in this particular fashion which would open up the front yard, okay, at that point, I don't think we'd have much objection.

MR. HUGHES: Unfortunately, we have the easement for the sewer line there.

MR. SHAW: That's why I think you have an awful lot going on at one time on this site.

MR. KARTIGANER: Take a look at it now, the photo is deceiving. Where he's going to put the car wash, he's going to almost directly be in front of where this Pizza Hut is. I hope you can see where this is taking slightly off of the visibility plane. If you came up 94, we still had the visibility coming from the right side of the road.

MR. SHAW: Our position is that you're on Route 32 sitting at the traffic light looking at this intersection and with this new car wash being built as it is shown on the plan, Pizza Hut is going to be blocked out.

MR. FINNEGAN: Would the sign of the store be blocked out without Pizza Hut sign or building?

MR. SHAW: Pizza Hut property is about 5 feet lower than Mobil. You cannot see the side walls of Pizza Hut from this intersection. What you do see is the roof and the words Pizza Hut across the front of it. That's located, that's the trademark which when you pull up at the intersection that's what catches your eye.

MR. FINNEGAN: Can you see the sign?

MR. SHAW: The sign of Pizza Hut, I can't attest to that. I didn't focus in on that.

MR. FINNEGAN: There's one on the Pizza Hut roof?

MR. SHAW: Correct, the words are right across as presently exists.

MR. FINNEGAN: So Pizza Hut has two signs, the sign itself and the one --

MR. FENWICK: We have Mr. Schiefer in the audience who is the Chairman of the Planning Board. Carl, I'd like to ask you a question about this. We were led to believe that there's been several plans put before the Planning Board and this is the one you liked the best.

MR. SCHIEFER: There was a discussion on the plans and this was the one that was picked at the time. However, I have heard all kinds of opposition. You're only hearing part, you're going to hear from the other industries on the other side that are also here. That's the reason I'm here to see what the reaction is. There were several submitted and this is the one that was chosen for traffic. Now, the other things that are being brought up now were not considered.

MR. FENWICK: As far as the sign or anything else --

MR. SCHIEFER: That's the reason I'm here. I heard the opposition is coming and I know when they come back, I want to be aware.

MR. TORLEY: Are you ascertaining you have the right to be seen across somebody else's property?

MR. SHAW: What I am saying is that the visibility of my client's property should not be diminished because the neighbor requires a variance and is deviating from the New Windsor zoning ordinance.

MR. TORLEY: You're also saying that you're requesting that he keep his canopy over the gas station a certain height and everything else?

MR. SHAW: Correct.

MR. TORLEY: Are you ascertaining that you have a right to be seen across somebody else's property?

MR. SHAW: What we are saying, as the conditions presently exist, we have a certain degree of visibility on that project. We don't think it should be diminished

because a neighbor wants to deviate from the zoning ordinance, all right, and construct something that is not consistent with the New Windsor zoning code. That's our position. Vails Gate is a very attractive area for commercial businesses. And to have that attractiveness diminished, I don't think is unfair to my client.

MR. HUGHES: I see what you're saying. I don't think we're trying to detract from the area itself. We're really trying to enhance it. We're spending millions of dollars a year trying to figure out how to improve and stay up to par with what is going on. One thing that has come into play, especially in the Danbury area, I'd be more than happy to provide to you the name of the dealer and the person who's in charge of the pizza place that they have a deal worked out where they pull in for gas, they get, you know, discount to go in and get pizza or McDonald's or something and I have spoken to both Tom and Matt, the dealers out there and they are more than willing to do something like that or get a dollar off of gas and it works out good for everybody so that you're all kind of as a team, which is what businesses today, you know, better improve everyone. I think they were very receptive. It's working very well in Danbury. I suggested that to Matt and he's for it and I'm sure that Mobil would even be willing to publicize it. They spend close to \$15,000 publicizing the activity in Danbury, Connecticut. Having things like Teenage Ninja Turtles and Mickey and Minnie Mouse for different events and Mobil paid for all of that but it was beneficial to everyone, even the pizza place right next door to help out. I mean, well, not, it seems like we're kind of a bad guy but we don't want to do that. We want to improve everything so hopefully it will be a good relationship.

MR. SHAW: Can you develop your site and reduce the variances that you're requesting? Can you come up with another scheme where the request for the variance aren't as great, that's one of the requirements of this Board, it's been asked of me and my applicants on many occasions.

MR. KARTIGANER: We have brought several plans in front of the Planning Board. This has been in front of the Planning Board, as far as the overall design, you know, and this was what we worked out with the Planning Board after a number of sessions, internally as far as

working, working with the intersection, working with the general flow of the site. This is what we came up with as being the best design. Just some things I want to point out. We tried to minimize. Obviously, we don't try to make variances, we work within the variance but if we move to do a variance, if we can come in with a slightly better design. What I'd like to point out to Greg is that the building while this main building that you're putting in the convenience mart is quite a bit smaller than the existing building and you don't recognize it's, I'm not arguing with your point, I'm just trying to bring up things that you can see that this actual building is quite a bit smaller than the three bay garage.

Also, when we moved the car wash, you had granted, you can move it back a little farther off of this road here but it's going to be a little farther, it's going to have that perception at least from this direction a little larger actually. Looking out and now we try to do the best we can, give a visual picture of this. It's computer generated design obviously I think when I was talking to Gary, some of the things that have been brought out exactly what happens to the structure and it's very visual and we're trying to be up front about it as much as possible. It's the intention of Mobil to try to put a car wash and visually I think it may be a hinderance to bring it inside internally for us for all the reasons that I explained, it's a better design.

MR. SCHIEFER: I think the answer to the question is some of the alternate plans although for other reasons they weren't as desirable would have called for less variance as I recall. The answer just a simple question, the answer to that question is yes.

MR. FENWICK: What I'd like to do at this time, we know what your concern is and I'd like to get some other people and we'll get back to you, unless you have something different to say.

MR. SHAW: I'd like to leave the Board with just one thought and I'll sit down. The fact that this applicant is asking for how many variances, seven?

MR. FENWICK: Somewheres in that neighborhood.

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MR. SHAW: I think that tells the Board there's too much going on with this site. You're not looking at one variance, you're looking at seven, maybe it's not appropriate that that, that each activity be generated on this parcel.

MR. GARDNER: My name is Fred Gardner, I'm one of the owners of the adjoining property on which Pizza Hut is located. I presume this young man represents Mobil?

MR. HUGHES: Yes, I do, Gary Hughes.

MR. GARDNER: One of the items Mr. Shaw brought up was hardship which I understand is one of the necessary items that this Board must consider.

MR. FENWICK: Not particularly for this variance.

MR. GARDNER: My question to Mobil is Mobil pumping an insufficient amount of gas so that it's necessary for them to put in a car wash?

MR. HUGHES: I think the car wash, now the answer to your question is no.

MR. GARDNER: I'm aware of that by the way, okay, let me ask you another question. The car wash, where's the water going to go?

MR. HUGHES: It's all contained in a reclaim system and John Knox is from Syco (phonetic). I'll let him be the expert on that since he is, if you don't mind.

MR. FENWICK: We're actually going beyond what we want to talk about.

MR. GARDNER: It's an important factor and the factor is that they cannot recycle 100% of the water. They may recycle 90%, unless I'm incorrect and this gentleman will undoubtedly correct me. Where's the other 10% going? We're 5 feet lower, it's going to go off to the side now they certainly wash outside of the building before it goes in. What do they do after it comes out? Where is that map showing?

MR. HUGHES: On here, this is where they come out with the water. All the water that comes out is caught in here, comes out, this is the catch basins here and it

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comes down through this drain. runs out this way. Doesn't go to the rear at all, comes down.

MR. GARDNER: Is anyone wiping the cars as they come out?

MR. HUGHES: They have a blow dryer.

MR. GARDNER: Inside the building? Okay, when they come out of the car wash, they go here, when they go out of the pumps, they also go here.

MR. HUGHES: From here, the dispensers are here.

MR. GARDNER: Those are the only dispensers you have?

MR. HUGHES: There's four islands right here.

MR. GARDNER: If someone wants to get out onto 94, where do they go?

MR. HUGHES: They can come this way.

MR. GARDNER: Same way as the car wash people can, is that correct?

MR. HUGHES: Yes, they can do that, yes.

MR. FENWICK: We'll let you briefly describe what happens to the water.

MR. KNOX: The unit is 100% recycled. There's no washing done outside the bay. It's all involved inside the bay, no preparation. Vehicle enters, stops, machine washes it and it exits. No vacuuming or preparation outside and it's 100% recycled. As well as my company, as well as a number of other companies do it.

MR. FENWICK: Closed-door system?

MR. KNOX: It can be during the summer time, we normally leave the doors open. In the winter time, the doors are closed in order to retain the heat.

MR. GARDNER: What I just asked the young man Gary, I think there's going to be a problem on 94 with that one exit there which ordinarily he's going to have to be an entrance as well. And they are going to come from the

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pumps and they are going to come from the car wash to get out there and you're going to have difficulties on 94.

MR. FENWICK: No doubt in my mind. I'd like to hear from someone new.

CARMINE ANDRIELLO: I'm Carmine Andriello, I own the property on Forge Hill Road on 32. I don't know, I'm here only because my son, you know, they're going to put another convenient or whatever they are going to put across the street.

MR. FENWICK: This is Sitco.

MR. ANDRIELLO: I figure myself lucky to be here tonight because as far as this is concerned, you're talking about the Five Corners. I'm over six and a half years, I live in Cornwall and that's my route to go home. The car wash in that location, I'm not trying to be against it because on anything the car wash in that location with the future is absolutely wrong. This is going to create, besides that, I live in New Windsor and I care for New Windsor. I belong to the community and I try to do everything to help the community but I would not do anything or stand by the people to profit out of this location. I'm referring only to that location. The other location so I think right there as far as I was told, they only should be a convenience store and gas, you know. I hear there's going to be a car wash. I already put up. I go home every night after work, I work so hard in New Windsor and I care for New Windsor and I don't think people should suffer to go home. If you look the way they want to put it that traffic of the car wash and the gas station is going to be right on that corner. One thing I love is if there's an accident I make money, I understand but I do not want to see a commercialized spot with people aggravate themselves to go home on anything that's the only thing. As far as they want to put a Dairy Mart there and a gas station but once you put a car wash in that location or any location on the Five Corners because we already have a car wash and we can't go through that and how many cars a day go to wash every day?

MR. HUGHES: It runs about and I have the figures written up, correct, so if I'm wrong, John, but it will be about five to six cars per hour.

MR. KNOX: Forty (40) to fifty (50) cars per day is what the other five units we have in Newburgh are washing currently.

MR. HUGHES: Forty (40) cars a day, maybe three or four.

MR. ANDRIUOLO: Any cars after 40 I'm going to get the money, let's be practical. I ain't a jackass. I want you to remember this. I wanted to put a car wash in my location. I figured out every car that goes through the car wash right next to the Vails Gate and right in Newburgh so I know there's not 40 cars a day because if you are talking about \$5.00 a car, what are you making? You're going to keep a car wash for \$400.00? No way and I figured it out because the car wash costs \$150,000 to build.

MR. KNOX: No but you're getting there.

MR. ANDRIUOLO: This is what I'm talking about. My point is as I say I'm here only for one thing but I think the car wash is to much on one location as the gentleman said we're talking about seven variances on one spot.

MR. FENWICK: Thank you.

HERBERT SLEPOY: My name is Herbert Slepo., Valley Stream, New York. What I object to --

MR. LUCIA: Are you also a co-owner of the Pizza Hut site?

MR. SLEPOY: Yes.

MR. LUCIA: Thank you.

MR. SLEPOY: What I object to is that the number of requested variances to accomplish what the way I see the site, they are taking a very successful gas station and now they are trying to make it even more profitable than it is presently. In my mind, that's the only thing that's really accomplished. The fact is that the DOT at this point as no knowledge of this happening. I have checked. It was. it's suggested that perhaps that the DOT traffic and safety group be queried as to what they feel will happen to an area such as this which they are

now presently developing and immediately will become obsolete upon development of this car wash. It boggles my mind to take a successful station and try to make it even more successful on the backs of the general public, including those who adjoin them, who live in the area, people who come in the community, in the area. They have been there for 20 years. The name of the game is develop more. If I were an oil company, I undoubtedly would do the same but that isn't what Vails Gate wants.

FLOYD SCHOLZ: My name is Floyd Schultz, I'm with McDonald's. I just want to ask a couple questions. The height of the canopy presently is it going to be the same height or lower height or --

MR. HUGHES: It will be approximately that height.

MR. SCHOLZ: What do you have now?

MR. HUGHES: Right now, it will be almost identical.

MR. SCHOLZ: Lower or higher?

MR. HUGHES: Plus or minus 6 inches.

MR. SCHOLZ: My only problem is if you're down the road, you can't see my sign at all and before the canopy was put up, I had good visibility. That's what we see right here.

MR. HUGHES: It actually is not pictured on that one, it's a little different angle.

MR. SCHOLZ: My point is before the canopy was put up, I was visible. After the canopy, I was totally hidden. And I think you know that's my only problem.

MR. FENWICK: This canopy is going to be farther back.

MR. HUGHES: This comes out here, this canopy will actually be back here so you'll actually see more of a sign right here. The golden arches will not be hidden. We're coming back approximately, what is it, 12 feet.

MR. SCHOLZ: Then I guess honestly I don't have any problem. I just was worried about my sign being blocked by the canopy. My road sign is relocateable, I mean,

that's something that costs a lot of money to raise or lower that. I don't want to be hidden by that.

MR. FENWICK: Anyone else?

MR. SHAW: One, just one final comment. I want to expand on the point that Mr. Gardner made. I asked about the operation of the car wash, where it is 100% recycleable or not. How I perceive the drawings, is that there's going to be a catch basin and piping near the car wash, which is going to be dumping water on his property. I think that was the point Mr. Gardner was trying to make out and that is something that this Board or the Planning Board should take into consideration but the plan before you I believe does show a discharge point of storm water on the adjacent property.

MR. SABCOCK: From the parking lot, from the parking space, there's a catch basin in the corner of the parking space number one.

MR. FENWICK: That would be something more addressed to the Planning Board. I don't know if that a parking lot runoff?

MR. HUGHES: That's basically for the spaces here and that's it, whatever.

MR. SHAW: That's a site place issue but I wanted to reiterate what Mr. Gardner said.

MR. KARTICNEP: Absolutely, a lot more drainage than that goes onto the Pizza Hut property so we're trying to minimize that as much as possible.

MR. SCHIEFER: You're aware the adjacent property does not belong to Pizza Hut?

MR. SHAW: That's correct. There's a 15 foot easement. Very small at 15 feet then --

MR. HUGHES: Understanding that concern, I'm absolutely more than willing to have this redesigned to come over to tie in here so it drains towards the front of the property.

MR. FENWICK: Not to interrupt you, that's not going to be our concern. Our concern is in reference to the

buildings with square footage to the property and along that line, that seems to be a Planning Board concern because no matter what there is going to be something there and it's --

MR. SLEPOY: These variances that they are requesting of you, will they set any precedents?

MR. FENWICK: No.

MR. SLEPOY: You have given this kind of height to other buildings in the area?

MR. FENWICK: No. We have no and we'll not, each case is on its own merits.

MR. SLEPOY: It sets a precedent but it doesn't?

MR. FENWICK: No precedent is set. It's each individual.

MR. SLEPOY: This will be a first happening if you permitted this kind of height?

MR. TORLEY: What we are saying each is individually looked at. There is no precedent.

MR. SLEPOY: Has other sites been approved with this kind of height?

MR. FENWICK: Sure.

MR. LUCIA: This same property has existing variances for this canopy height already. They actually are diminishing the existing variance on the canopy heights by this application.

MR. HUGHES: If I could, please, the variance that we currently have, we're actually making them smaller for the canopies, both the height because this one is a little bit lower and also on the sides, it's much farther back from the road to give greater visibility for safety.

MR. TORLEY: As the gentleman pointed out, most of the variances that are here are actually reductions because they are tearing down the canopy. We have to start over. The variance won't carry over so they are

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actually smaller variances than what they have at the moment.

MR. FENWICK: Unless they are in reference to the car wash.

MR. SLEPOY: Except the setbacks and encroachment visibility will be hampered and congestion and that.

MR. FENWICK: We have the first variances in references to the whole site. The second variance is in reference to the car wash. The third one is in reference to the canopy. Fourth one canopy, fifth one I'm not sure. I think it's the car wash 3 foot side yard.

MR. LUCIA: That's the canopy.

MR. FENWICK: Okay, the sixth one is the car wash and the last one is also the car wash because that's the building height variance. Is that correct? Is the last one in reference to the car wash?

MR. LUCIA: That's correct.

MR. FENWICK: So I believe that for in those cases, if it's in reference to the canopy, it's less than what it was before and the first one it's lot area in reference to the whole site plan and that occurred because of a right-of-way that the easement that they gave to the town across the property and due to some recent laws that has to be subtracted in the area footage and it's actually being used or paved or whatever, just to clarify it. Is there anything else from the members of the public? At this time, I'll close the public hearing. There will be no more comments from the public. I'll open it back up to the Members of the Board.

MR. LUCIA: If I could just, before you do that, Mr. Shaw anticipated me a little bit. I'd like to hear a little more from the applicant on practical difficulty, why it is the applicant needs all these variances on the site. What specifically is the significant economic injury that the applicant suffers from the strict application of the ordinance to the lot?

MR. HUGHES: Mostly in keeping up with the new technology and the developments that are coming into

play as well' as, you know, future plans. We don't, once it's up, we again we spent great research money to develop something that's going to be here for a while and we'll also have been appealing and in for the long term, not just right now, make a quick dollar but the pumps that are there are very old. They also have problems with the vapor recovery there which will also help decrease the amount of fumes that are emitted into the air. So, just by not being able to keep up with technology, we lose a great advantage there as far as again making a profit, which is what basically we're in the business to do. I mean there's no two ways about that.

MR. KARTIGANER: They have studies where traffic gets increased with, when they upgrade and make a station nicer and make it more applicable to modern vehicles. I think when was the last time this was upgraded was like 20 years old.

MR. HUGHES: Yes, a little over 20 years ago.

MR. KARTIGANER: So they find that it's of economic viability to actually invest quite a lot of money to totally upgrading the station, not just from the profit but from the standpoint of as I brought up liability.

MR. HUGHES: For safety and the flow of traffic right now at the existing station, as you can see, I'm not sure where the other picture is but it's very, very dangerous, not only to as a liability for Mobil but the safety of the people who are at that corner. As you can see, people coming in from two entrances this way with two islands going along 94 and then another two coming along 32. You have cars basically coming at each other into the center with pedestrians walking in between and that in itself is very dangerous to me. It's, you know, on a liability sense, you are going to get somebody injured there before to long.

MR. KARTIGANER: This was for a different traffic stream when they built it. It was a lot less busy than what it is now.

MR. LUCIA: If I could have a focus in on the moment in modernization reduction in the vapor, why that relates to the variance you're seeking? I'm not saying it doesn't relate to increased traffic flow at the site or

the improvement of your business but why as presently zoned, are you going to suffer significant economic injury if your expansion or your redesign had to conform to the ordinance? What's the difference here? That's what this Board needs to hear.

MR. KARTIGANER: Well, I think the primary thing, this is why, you know, I want to bring up now as far as the liability standpoint, in this plan and the design we have now allows us to at least reduce our entrance onto 94 and remove it from a farther away from that entrance. When you do a traffic study, what the tendency is now in the DOT is to try to reduce your number of entrances and exits from a large shopping center. We just did one on 32. We have a single entry and exit. Again, from our trucks coming into the site, we have it laid it so that the, I wish we had the plan of how it exits right now but right now, our trucks are actually, our fill trucks can come into the site, fill the tanks where they are located, they are not going to be located where they are located right now. It will be a little bit more difficult access and also pulling on the trucks right now they can go around to the farthest entries are on this side.

MR. HUGHES: Again, also just to make sure we hit on your question so we don't digress is one is the technology, two will also be the liability reasons and three is the visibility. It will be a much cleaner station and they'll see it where as I don't think they see the station as well now. And that causes a loss of business.

MR. KARTIGANER: That's primarily the reason, by the way, that the Planning Board liked this site as well as us is that visibility and openness of the station.

MR. TORLEY: Is there some dispute about the DOT notification?

MR. KARTIGANER: We did notify the DOT. It's currently in the process.

MR. HUGHES: I have contacted him.

MR. TORLEY: I saw you rummaging through your case.

MR. HUGHES: I keep a log of everything I do. It comes in handy on certain occasions so I can give you the exact time and date.

MR. KARTIGANER: We spoke with the DOT. We have the plans up to Region 8. We have had contact with them in fact contact with the --

MR. FENWICK: Not to get into your conversation here but it isn't really something that as far as front yard, rear yard, square footage on the property and what not, it's not going to come under any problem with this Board, as far as your entrance and exit onto the property. That's not something we have to address. We have to address area variance, practical difficulty is what we're looking at right now and that's definitely what this Board has to do. Everything else you have as far as curb cuts, everything else is part of the DOT. It's part of the Planning Board, as far as your drainage, that's part of the Planning Board. It's nothing to do with this Board. I think we're just bringing up the same thing over and over again. We have heard the concerns of the audience and I think everybody has looked at this strongly. What I'm trying to find out is to address just the car wash. We're beating around with the canopy. We have already, we know that you're less from the property line now with the canopy than you were before. It's a different setup. The building is different and that centered and really what's happening with the building isn't a concern with this Board either. That doesn't come into play with any of the variances.

The car wash however does. The car wash seems to have the greatest amount of impact. Actually, it has the, looks like the most extensive variances on it. I'd like you to address why that car wash has to go there. Why can't it be brought into -- what's the practical difficulty of moving that car wash, bringing it into --

MR. NUGENT: Why does it have to be so high?

MR. FENWICK: To bring it right into the, you know -- anyplace to get it into conform with town law.

MR. TANNER: Didn't you, at some point, state that you could put it someplace else and you didn't need a variance?

MR. HUGHES: Oh, yes, we can bring it back inside, bring it back up into this area right here, which would conform. Again, we can't get any closer to this point. It would still protrude out here, if we put it one right on this corner and we'd still need a variance out here.

MR. FENWICK: If the variance right now the front yard variance on that is 21 feet, what prevents you from moving that back 21 feet from the road? You need how many feet from that, apparently you're 39 feet away now so --

MR. HUGHES: The easements.

MR. NUGENT: It will be over top of the easement.

MR. FENWICK: This is one of the things I'm asking you.

MR. LUCIA: How about if the car wash were rotated counter clockwise to go parallel, pull it back to get rid of the front and side yard variances and run it more parallel to the east.

MR. HUGHES: So it would be placed similar to this?

MR. LUCIA: Exactly, eliminate the need for quite a few of these variances.

MR. HUGHES: My only concern would be the distance between the building. It would be very, very narrow and we have now our trucks that come in to fill up the station that being a minimum width of feet that a truck needs and the turning radius of that 55 foot tanker.

MR. FENWICK: Let me ask you this. Maybe I should be asking this to Mike, do the tanks fall under the same side yard criteria as the building does since they are underground?

MR. BABCOCK: Well --

MR. FENWICK: What happens if they are reversed, what happens if the building were brought in closer?

MR. KARTIGANER: One of our plans was that, okay, we had it reversed.

MR. HUGHES: Moving this building.

MR. FENWICK: Reversing where the tanks are versus the car wash.

MR. KARTIGANER: We had a plan there at one time where those were reversed and not going into detail, it's difficult to show it on this plan and the way just to lay it out. In essence, it reverts the direction of the storage of the vehicles for the car wash so that was the reason that this was a preferable plan. The reason for the car wash where we projected the most problems or any problems is the stacking. Primarily about 80% of the business anybody comes into that, uses the car wash, uses the convenience stores what they do and they are going to get their car washed. Where the biggest safety hazard we could see we wanted to have the longest distance as we could before entering the car wash because as soon as they leave, there's no drying, there's only a vacuum, I think over here located back over here so they have to drive away from this entrance and that was really that was the main criteria for that and we did have it, that's exactly why, what we had.

MR. HUGHES: To answer your question, we did, if we put the tanks, we're, we'd have to have the tanker coming around. I guess we could have the tankers backing up on the station but you're very, very unsafe if you have a 55 foot truck backing out so one flow traffic you have traffic coming behind traffic coming in and traffic coming out. So you have actually three directions of traffic flow there.

MR. FENWICK: You're not going to win with traffic at that corner. I don't care what anybody says. You have a bad location. This is a bad location, they're all a bad location because you're almost stuck.

MR. KARTIGANER: All we're trying to do is make the best of it.

MR. TORLEY: Carl, when you guys looked at this, they showed you someplace where they'd need less variances but you felt there was a problem?

MR. SCHIEFER: I was not considering the opposition from the other companies. It was a traffic flow situation. It looked neater, yes.

MR. TORLEY: Traffic flow and safety for stacking of cars and motion?

MR. SCHIEFER: We thought this was the better one.

MR. TORLEY: There was a public hearing on this at the Planning Board?

MR. SCHIEFER: I think there was. Did we or didn't we?

MR. BABCOCK: I don't think so.

MR. SCHIEFER: I remember the three plans. You're right, maybe not.

MR. BABCOCK: We'll have one though, there will be one. I think that's --

MR. SCHIEFER: There will be one and I'm interested to see how you guys vote.

MR. TORLEY: So it was the condition of the Planning Board that this approach --

MR. SCHIEFER: Of the three plans we saw and we did not consider some of the things that were brought up this evening and obviously we're going to. That's why I'm here to listen to this but of the three plans we saw, we thought this was the best but there were some that needed less variances.

MR. FENWICK: What's the problem with the height of the building? Why couldn't it be shorter?

MR. HUGHES: The equipment inside.

MR. NUGENT: It's only 12 feet high.

MR. FENWICK: We're trying to find a place for the car wash, why do you have to have a car wash? I'm not trying to take it away from you but one of the things as a lesser variance, why do you have to have a car wash?

MR. HUGHES: One, is the probability of the station it's also a convenience for the customers to come in, get a free car wash with a fill-up, it's a service to the customer. That's basically really, it's not provided

there right now and the amount of the people that actually take advantage of it, it's not a phenomenal number. I think the national average is less than three cars per hour.

MR. FENWICK: I really don't believe that when I see what happens at Purple Parlor and they are lined up out in the street and down the road and everything else and you have got one.

MR. HUGHES: I'm sure some days are higher than others.

MR. KARTIGANER: We're changing one use, which is a service station and want to put in a car wash.

MR. FENWICK: These are things we have to address. What, according to what I'm getting from you, there's no place on this site that will be acceptable and legal for you to put that car wash?

MR. HUGHES: No place acceptable or legal.

MR. FENWICK: In other words, to be without any variances and be able to set that on that piece of property so that you could --

MR. HUGHES: I would have to say no, unless safety was very jeopardized.

MR. FENWICK: Any other comments from Members of the Board?

MR. NUGENT: Here we go again. It appears to me that it's the old ten pounds in a five pound bag.

MR. FENWICK: That's right.

MR. NUGENT: I have no real problem with the concept. The car wash is a little bit of an overkill, I feel on this piece of property. But, no one in this audience or anyone else that spoke is looking for anyone else but their own profitability, let's face it. Everybody here is in business for themselves and I can understand these people's reason for wanting to have the more profitable site. But, it does seem like a little bit of an overkill for this piece of property.

July 22, 1991

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MR. TANNER: I'd like to see lesser variances. The car wash really involves a lot of variances, may not necessarily --

MR. FENWICK: If there's no more comments from the Members of the Board, what I'd like to ask is whoever makes the motion that we have seven variances that are being requested that we treat each variance separately.

MR. NUGENT: I was going to try that.

MR. FENWICK: No, I want each one, we have seven variances, that's the way we're going to do it. We have seven variances and we'll, even though it's a little bit more to write, it's going to be seven motions.

MR. NUGENT: I think though that the variances should be identified, in other words, as to what they pertain to. Whether it's the canopy, building or car wash or whatever but I think each one should be on its own merit.

MR. FENWICK: That's right. If we have no more comments then --

MR. NUGENT: I just have one more question. The second variance is a 21 foot front yard that's off of Route 94.

MR. FENWICK: Yes, he needs 60 feet and he only has 39. Could I have a motion on the first variance, which is in reference to the whole lot, it's for 1,830 square foot?

MR. NUGENT: I'll make that motion.

MR. LUCIA: That's a lot area variance.

MR. TANNER: I'll second it.

MR. NUGENT: Comment to that, I feel that they are deprived with that amount of footage. He was deprived by putting this.

MR. FENWICK: It's way in excess.

ROLL CALL:

Mr. Torley

Aye

Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: Second variance that we have is for 21 foot front yard for the car wash. Do we have a motion to grant that variance?

MR. TORLEY: I move that we grant that variance.

MR. NUGENT: That's really going to be hard to do because if you give them that, if you give them that one, then almost six and seven have to go with it but it's all part and parcel of that car wash.

MR. TORLEY: Okay, well --

MR. TANNER: If you don't give it to them --

MR. NUGENT: The car wash is down the tubes. As a matter of fact, there's --

MR. FENWICK: If you'd like to make the motion, grant the variances Number 2 which is a 21 foot front yard for the car wash, Number 6 which is a 13 foot rear yard for the car wash and Number 7 which is a 6 1/2 foot building height for the car wash, we can do that.

MR. NUGENT: Is that the only three?

MR. FENWICK: That's it.

MR. TORLEY: I'll move we grant the variances Number 2, 6 and 7.

MR. FINNEGAN: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Tanner	No
Mr. Nugent	No
Mr. Fenwick	No

July 22, 1991

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MR. FENWICK: We have the remaining variances which are three, four and five, all pertaining to the canopy. Number 3 being 36 foot front yard on Route 94. Number 4 being a 4 foot front yard on Route 32 and Number 5 being a 3 foot side yard.

MR. NUGENT: I'll make that motion.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: There will be a formal decision written with reference to the, I think you understand.

MR. KARTIGANER: Basically, we got the canopy.

MR. FENWICK: And the square footage and the property.

MR. TORLEY: And they can come back for the car wash, if it's removed or whatever.

MR. FENWICK: They may be able to find a nice legal way of putting it in. You have to understand also we have had problems brought before us that we were not aware of before and that's the purpose of the public hearing.

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

7/22/91 - Public Hearing - Mobil Oil Corp.

	Name:	Address:
jecting	Gregory J. Shaw P.E.	744 Broadway, Newburgh - Rye Plaza Hwt.
"	Ed Pearl (GARDNER)	52 EAST ST. HUNTINGTON.
	THOMAS FLORIO	1 RT 32 RD #6 NEW WINDSOR - Advanced Automotive leasing from Hwt.
	Gini Gennini	1 RT 32 RD #6 NEW WINDSOR
jecting	Herbert Slepoy	104 So Central Ave Valley Stream NY
	Heidi Rightmeyer	McDonald's R.D. #6, Rt. 32, New Windsor
jecting in Wash.	Floyd A. Scholz	Colley-Mcloy Co. Front St., Croker Falls, NY 10517
	CARMINE ANDRIUOLO	363 WINDSOR Hwy. ALBANY

Shaw Engineering

Consulting Engineers

744 Broadway

P.O. Box 2569

Newburgh, New York 12550

(914) 561-3695

September 11, 1991

Chairman Carl E. Schiefer and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12550

Re: Site Plan For Mobil Oil Corporation
NYS Routes 94 and 32

Dear Chairman Schiefer and
Planning Board Members:

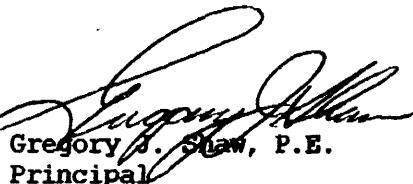
This letter is being written on behalf of my client, Windsor Associates, regarding the application of Mobil Oil who we understand is before you tonight for Site Plan Approval. My client has concerns regarding this project impact's on their neighboring property with specific reference to drainage, traffic flow, visibility and development coverage.

In order to adequately address these issues my client respectfully requests that the Planning Board require a Public Hearing on the subject application. By requiring a Public Hearing you will be providing a forum in which adjacent property owners can voice their concerns regarding the merits of this application.

Thank you for time in reviewing this request.

Very truly yours,

SHAW ENGINEERING



Gregory S. Shaw, P.E.
Principal

GJS:mv

cc: Windsor Associates

Mobil Oil Corporation

50 BROADWAY
HAWTHORNE, NY 10532

August 14, 1991

PLANNING BOARD
Town of New Windsor, NY

RE: SS# 06-N2X
1 Route 32 RD 6
Vails Gate, NY

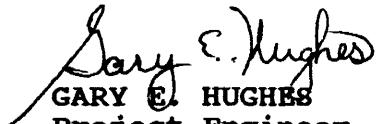
ATTN: All Members

Pursuant to our workshop meeting with the Town Engineer, Mark Edsell, the following information is provided:

1. Two 1,500 gallon Reclamation tanks require an initial charging for a total of 3,000 gallons of water.
2. The car wash is a self contained unit which recycles 84% of its own water through a reclamation system.
3. Each car wash will use about 5 gallons of fresh water for the Deluxe wash and wax.
4. Total water usage for the Deluxe Wash is about 30 gallons (25 gallons of recycled + 5 gallons of fresh)
5. Anticipated water loss is about 5 gallons per wash due to water left on or in cars. This water will then fall off and evaporate as the cars drive down the road.
6. Average cars washed per day = 50.

If you have any questions concerning this memo, please contact Gary Hughes at (914) 742-2905 or Chris Fullam at (914) 562-4391.

GEH/geh


GARY E. HUGHES
Project Engineer



555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 551-4301

27 August 1991

Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

ATTENTION: MARK EDSALL, P.E., TOWN OF NEW WINDSOR
PLANNING BOARD ENGINEER

SUBJECT: MOBIL STATION 06N2X, VAILS GATE, NEW YORK

Dear Mr. Edsall:

We are requesting that the Board administratively declare a public hearing for the SUBJECT Mobil Vails Gate project plans as submitted to the Planning Board 7 August 1991 for the 11 September 1991 or next available meeting.

As discussed this morning, time is of the essence as the owner would like to construct this year if at all possible before winter. We are making this request as the preliminary comments received at the 6 August 1991 workshop meeting were completed in the 7 August submittal, and that with the exception of the changes reviewed at the workshop, the major portion of the plans have been reviewed at earlier dates by the Planning Board and Zoning Board of Appeals.

Thank you very much for this courtesy.

Very truly yours,

KARTIGANER ASSOCIATES, P.C.

A handwritten signature of Scott P. Kartiganer in dark ink, written over the typed name and title.

Scott P. Kartiganer, P.E.
Vice President

STK:lam
dl 141
edsall.ltr

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

KA KARTIGANER
ASSOCIATES, P.C.
CONSULTING ENGINEERS

555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 562 - 4391

23 August 1991

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

ATTENTION: MR. CARL SCHEIFER
PLANNING BOARD CHAIRMAN

SUBJECT: MOBIL OIL SERVICE STATION
ROUTE 94
VAILS GATE, NEW YORK

Dear Mr. Scheifer:

Please find attached for your review and necessary action, additional information regarding the proposed car wash to be constructed at the SUBJECT site. This information should assist you in your review of the site plan now before the Board.

Should you have any questions regarding the attached information, please feel free to contact me at the above address.

Very truly yours,

KARTIGANER ASSOCIATES, P.C.



Michael R. Cain, P.E.
Project Manager

MRC:hs

cc: Gary Hughes, Mobil Oil Corp.

NWPB0823.LTR
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K4 KARTIGANER
ASSOCIATES, P.C.
CONSULTING ENGINEERS

555 BLOOMING GROVE TURNPIKE • NEWBURGH, NY 12550-7896 • (914) 562 - 4391

7 August 1991

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, New York 12553

ATTENTION: CARL SCHEIFER, PLANNING BOARD CHAIRMAN

SUBJECT: MOBIL STATION 06N2X, VAILS GATE, NEW YORK

Dear Mr. Scheifer:

Pursuant to our workshop meeting with the Planning Board Engineer and Fire Marshall, please find attached fourteen (14) copies of the SUBJECT Site Plan entitled "Site Plan - Rebuild for Service Station 06N2X in the Town of New Windsor, Orange County, New York", dated 30 March 1990 with a revision dated of 7 August 1991.

We request to be placed on the next available planning board agenda so we may continue review of the project.

Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

KARTIGANER ASSOCIATES, P.C.

Michael R. Cain

Michael R. Cain, P.E.
Project Manager

MRC:hs

cc: Mr. Gary Hughes, Mobil Oil Corp.

NWPB0807.LTR

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MOBIL OIL CORPORATION:

Scott Kartiganer of Kartiganer Associates, P.C., Jim Moran and Gary Hughes came before the Board representing this proposal.

BY MR. FENWICK: This is a request for 1,830 square foot lot area, 13 foot side yard and 6.46 feet building height variance to add car wash to station located at five corners in Vail's Gate (C zone).

BY MR. KARTIGANER: My name is Scott Kartiganer and my friends are Gary Hughes and Jim Moran from Mobil. The purpose of the presentation request set back and height variance for the car wash structure on the property. That is this structure right here. We're also requesting a slight area variance. The reason that the structure has to be located where it is is due to, made to provide a better internal circulation pattern around the building and to create a better and safer exit and entry from both Route 32 and Route 94. This arrangement was the one previously seen by the Planning Board at the 22nd May meeting after reviewing several alternative plans. Those included, by the way, ones that we met the setback and height requirements. And what I'd like to do is just read, there's a short segment from their notes, from the Planning Board notes. Mr. Edsall stated that you may want to put in the record that the fact that you have looked at a variety of arrangements and this appears to be the best internal traffic arrangement and because of this final best site plan, created a need for a variance. I don't want them to misunderstand that we haven't reviewed it. Basically, what we have done over here and even the DOT we have two entrances here right now. We have the internal arrangement was to put the car wash at this location, creating the entry into the car wash from this direction. This allows the stacking of the vehicles, if there is stacking here, to come out and then the cars would come out and move on. We have located only a single entry and exit on Route 94, instead of the two that are currently going into construction right now by the DOT. We couldn't make that change because of the existing pumps and existing gas station and we're making that only into one single entry and it will, this will afford a better safety buffer over here on the stacking lane on 94. It's also, we have reviewed this with the DOT, we haven't submitted all of our permits yet, but they like this arrangement better.

BY MR. TANNER: Are the pumps staying in the same place?

BY MR. KARTIGANER: No, the pumps are -- we are putting all the pumps along the Route 32 corridor right here. The same number of pumps, we're just rearranging them along this way, it's a much better plan. The overall plan, by the way, is for this will be a small retail store, small retail convenience store, car wash and pumps.

BY MR. FINNEGAN: So it won't be repair place any more?

BY MR. KARTIGANER: Will not be a repair place any more and consequently, there will be less cars in the parking area. We have done an extensive landscaping plan. This is a picture of the building, by the way. We haven't done final design until we get the final layout and all the approvals on it. We have done a fairly extensive landscaping plan around the perimeter. It's the intention to make it look very nice. It's in excess of what the Planning Board requested, but it's also a permanent corner.

BY MR. TORLEY: Is that a sign?

BY MR. KARTIGANER: This sign would be here, in the same location as it exists now.

BY MR. TORLEY: I don't see it marked here.

BY MR. FINNEGAN: It's on the corner.

BY MR. KARTIGANER: It's underneath the line.

BY MR. FENWICK: The only thing you have been cited for to be brought to the Board is on that building in the back, that's the only thing we're going to address right now.

BY MR. TORLEY: The sign is, I do want to make sure that if we do this, we do it with all the appropriate variances. I'm asking about the sign specifically, there's no variance needed for that sign where it is planned to be?

BY MS. BARNHART: It's not on here.

BY MR. LUCIA: You might want to check the ordinance to see that you don't also require a sign area variance and possibly setback variance given the location and the size of the sign.

BY MR. FENWICK: The only building sign?

BY MR. TORLEY: No, this one, if you look on the plan, there's one on the apex.

BY MR. LUCIA: And you also might want to check the signage on the building, whether or not that exceeds what's allowable.

BY MR. KARTIGANER: The signs on the building, we checked that. That meets the code.

BY MR. TORLEY: Just trying to make sure we get everything done at once.

BY MR. FENWICK: The rest of the concept of the whole thing in fact, what you're showing us now is not even before this Board. What I get the feeling from the Planning Board minutes is that you have gone and met everything by the law to avoid any other variance. Fine, so we're looking at the car wash.

BY MR. KARTIGANER: Just one thing I want to point out. One thing with the area variance, you know that wasn't really a variance at, initially it was over 4200 square feet of area on it. At the request of Mark Edsall, they determined that area was less where the sewer easement is, which was granted. We weren't aware that would become a variance situation at that time.

BY MR. FENWICK: He should see what has happened to people's houses. We're talking commercial here. We've had them run right through people's lawns and they have lots, the square footage is usable, square footage, in other words, building square footage versus the overall square footage.

BY MR. KARTIGANER: Yes, the net building area is quite a bit less than --

BY MR. FINNEGAN: They have to work in the easement then have a real big problem.

BY MR. KARTIGANER: What we did, we did design the

building, we kept the car wash, any permanent structures outside the easement area. The pumps are here, tanks are over here. These would be the buried tanks.

BY MR. TORLEY: Parking over the tanks?

BY MR. KARTIGANER: Yes, there's parking over the tanks. Most of the parking would be service people and people working.

BY MR. TORLEY: Once again, the fire marshall has given the blessing.

BY MR. KARTIGANER: It's been reviewed through the Planning Board.

BY MR. LUCIA: Do you know how this exists as a gas station now?

BY MR. KARTIGANER: Right.

BY MR. LUCIA: Is it a pre-existing, nonconforming use? Did it receive a variance?

BY MR. KARTIGANER: There's no variance on it now.

BY MR. LUCIA: Did it pre-existing zoning in New Windsor? Do you know?

BY MR. KARTIGANER: I don't know how long has the gas station been here?

BY MR. HUGHES: Since Matt Florio, I know at least since '82, the building was constructed back probably close to 20 years ago. Jim has the exact numbers, he can tell you.

BY MR. MORAN: I don't have a copy of the deed.

BY MR. LUCIA: It's been a gas station to the Board's knowledge for at least 20 years.

BY MR. HUGHES: Matt's been with Mobil for at least 25, it's probably somewhere within that realm.

BY MR. FENWICK: Does Mobil own this?

BY MR. HUGHES: Yes.

BY MR. MORAN: 1966 is the deed into Mobil. It was updated probably more than once since then.

BY MR. LUCIA: As you may have heard some of the aspects of this application are similar to the Sunoco that you sat in on. You're razing the building, I understand the --

BY MR. KARTIGANER: We're rebuilding the entire site.

BY MR. LUCIA: Because of that, you probably are going to need special permit approval as a gas station from the Planning Board. Obviously, it's a change in use but a minor change in use. From the Zoning Board's perspective, I think that the Board would want you to speak to are the issues raised in section 4824B1, with regard to a change in a nonconforming use. You are changing from one type of nonconforming to another by adding the car wash, so if you would just speak to the issues how it impacts the town.

BY MR. KARTIGANER: You're saying that as we have to go back for a special permit even though we have gone --

BY MR. LUCIA: As part of the application, just to cover yourself, you should ask for a special permit for a gas station use because you're changing the existing use by razing the building and completely reconfiguring the islands. You know, if they're, it sits there now --

BY MR. KARTIGANER: We're under a special permit right now.

BY MR. LUCIA: That special permit is for a different footprint. You're coming in with something different. To cover yourself, you're going to want to get the Planning Board's special permit approval on this footprint because it raises different aspects.

BY MR. KARTIGANER: We were attempting to do it to modify the existing special permit.

BY MR. LUCIA: However the Planning Board wants to handle it. I just raised the issue because it arises here because you're entitled to be on notice if they want to do the modifications, that's fine with me.

BY MR. KARTIGANER: Sure.

BY MR. TORLEY: Do we have a signed off plan from the Planning Board?

BY MR. KARTIGANER: Yeah, they did sign something the last time.

BY MR. FENWICK: Yes, Carl Schiefer signed this plan right here.

BY MR. KARTIGANER: I just wanted to bring this up to the Board. We did have an existing variance for the existing gas station for a canopy that was in '82, 1982.

BY MR. TORLEY: You have presented it to the Planning Board an arrangement that would not have required a variance and they preferred this for traffic flow and safety purposes?

BY MR. MORAN: A layout of the car wash.

BY MR. KARTIGANER: What we had to do, we turned around the traffic flow coming into the car wash as opposed to coming from the road. This one I prefer this a lot more because we have all this, you know, stacking and people could, they tend to park right around these buildings anyway, but it allows you to come in and out or come to different roads.

BY MR. FENWICK: Is there a way on this drawing of showing us where the building that's existing now is?

BY MR. KARTIGANER: Well, we have existing site plan.

BY MR. MORAN: This is a 1990 existing site plan.

BY MR. HUGHES: This probably is the most recent.

BY MR. KARTIGANER: 32, 94, the two pump island and they exist right now.

BY MR. FENWICK: The only thing that I was getting at is how far is the rear of the building to that side yard that we're speaking about there? In other words, what's coming into play here is a side yard, I believe. From that point, to where the building is now, what are we talking about there? Do you know?

BY MR. KARTIGANER: I'd say it's probably about 80 feet. Right now, that area is a lot of property there, as you go by, it's, that's not being utilized. There's a ditch and road and --

BY MR. LUCIA: If that's 80 feet, I take it the previous side yard variance was not for the same side yard you're looking for a variance on?

BY MR. KARTIGANER: No, these were for along 32 and 94.

BY MR. FENWICK: Had to do with the canopies are too close to the road, I remember that now.

BY MR. HUGHES: Yes, sir.

BY MR. LUCIA: The new canopy would conform, I take it, it's far enough setback from the front yard there?

BY MR. HUGHES: Yes.

BY MR. LUCIA: Both front yards, you have two front yards, how about the 94 side?

BY MR. KARTIGANER: Well, we're going to, as far as these setbacks, we're exceeding these areas. That was a question that was raised by the Planning Board. They didn't consider that as part of the building.

BY MR. TORLEY: So you really are into the requirement front yard?

BY MR. LUCIA: If you measure the distance from 94.

BY MR. KARTIGANER: Here's the line. It's clearly within that.

BY MR. TORLEY: So we need a side yard variance or a front yard variance for the canopy.

BY MR. FENWICK: I'm just going to say that may be true, but that hasn't been sent to us for that.

BY MR. KARTIGANER: That wasn't our understanding.

BY MR. FENWICK: I'm just going to make you aware of it but at this time, that's not something --

BY MR. TORLEY: You're suggesting that they come back for another preliminary?

BY MR. FENWICK: They might have to. The only thing that's been addressed to this Board is that one, well I'm talking about the one structure. That's it.

BY MR. KARTIGANER: That wasn't, you know, we didn't think that was actually, I wasn't even aware there was a variance for the canopy. In some towns, it's not considered part of the structure. We haven't had any problems.

BY MR. TORLEY: The 60 foot even covers the pump island, so you definitely need it.

BY MR. KARTIGANER: You're considering this as the building variance.

BY MR. TORLEY: You're 60 foot setback from the road, right?

BY MR. KARTIGANER: For buildings.

BY MR. TORLEY: Now you have got the pumps, would you consider that accessory?

BY MR. LUCIA: It raises two issues. One, the variance for the setback because you're took close to both front yards and the other thing is you may have also heard on the previous application with the satellite dish, it would be considered an accessory building located closer to the street line than your building setback. So you know, it also involves 4814A4 of the ordinance.

BY MR. TORLEY: I question that this is a continuous structure through here. I don't think it is.

BY MR. MORAN: It's not a continuous structure, it's tucked under. It's a separate building tucked under.

BY MR. LUCIA: It's not attached to the building itself.

BY MR. HUGHES: Just basically overhead cover for rain for customers. For a matter of record, that the canopies that we're proposing here are less than what exists out there on the site right now.

BY MR. LUCIA: That's relevant as a mitigating factor, but it still doesn't speak to the underlying issue that a variance is probably needed. What I suggest is take it back to the Planning Board. I think you also are going to want to amend your map to show on your bulk table a column specifically spelling out variances needed on lot areas, side yard and building height, as well as adding the front yard variances.

BY MR. FENWICK: They have a variance when I was on this Board, when they came for the variance for a canopy. Okay, that canopy, that variance in effect is a, you cannot be, they are going to be, let's say 15 foot off the road, I don't remember what it was, but it's probably not a heck of a lot more and it was six feet. They are not even going to be six feet off the road. We're now talking about use, we're not talking about nonconforming use, it was just a line given them at the time that you'll not be closer than that variance that we're granting you. You can correct me if I am wrong, they look like they are going to be inside of that variance or in better shape than what the variance was that we gave them. Do they in effect lose that variance because they are taking down the building?

BY MR. LUCIA: Yes, because they are removing it. As I said, all those factors go to mitigation in terms of the showing they have to make to the Board. They are actually improving the front yard setback, so it's certainly something they can show us in argument for it and we'd be, the point should well be taken, but since they are physically removing what they have a variance on, they are starting from scratch on this one.

BY MR. KARTIGANER: Can we proceed, let me just present this as a question. Can we proceed and try to get approvals on the variance that we have requested, okay, which includes request for basically is our site plan without a canopy?

BY MR. LUCIA: You can, if the Planning Board agrees that they require variance, you're going to wind up with two public hearings. If you don't mind going to the trouble and expense.

BY MR. KARTIGANER: If we get our, I'd have to get the okay from, you know, obviously we'd proceed on, trying to proceed with getting the variance for the canopy.

BY MR. LUCIA: I'm not sure, just from your own and you can obviously reach your own decision on this, whether it's going to accelerate it any because the plan we now have before us shows a canopy. If you want to exclude the canopy from this application, you have to go back to the Planning Board with a new plan without the canopy anyway. So I think no matter what happens tonight, you're still going to have to go back to the Planning Board to get the plan changed.

BY MR. TORLEY: What I'd recommend personally that you be scheduled for another preliminary hearing and you can come back with everyone after the variance that you might need, the request then we'll go through the whole procedure once. I'm afraid you might go through a public hearing, do all that, and find out we need another variance and you'd have to go through the whole process again.

BY MR. KARTIGANER: That's what I'm not sure if we're getting approval for a variance or approval for the whole site plan.

BY MR. LUCIA: You're not, before the Planning Board can approve your site plan, you need to have these variances granted. If this Board denies the variance, they have no site plan to approval. You have to change it to be conforming.

BY MR. KARTIGANER: What we can do is present the same site plan to the Planning Board. Give approval with the note that the canopy is not approved at this time unless recommend telling the Planning Board that the canopy is not approved, this is a variance that you forgot to mention that requires a variance because that we a question there, you know, it was some towns require it as a variance as a building, consider it a building, some places consider it something else. We can take it off and get the approval, you know, from the Planning Board. They have approved everything else.

BY MR. TORLEY: You still have the pump that's in the front, a front yard, if you want to consider that.

BY MR. FENWICK: If he makes the canopy overhang the pump, so the pump doesn't even come into play.

BY MR. TORLEY: If he takes the canopy off, he's still got the pump.

BY MR. FENWICK: I don't think they are going to do that. We can set that up. That's the idea to pump the gas out of the weather.

BY MR. KARTIGANER: The other thing Jim suggested if we can just come back here, the Planning Board had no problems with the canopy or the pumps or anything, come back here at the next session in our application request for -- does it have to come through the Planning Board?

BY MR. LUCIA: Since it requires revision to the map, that at least should be signed off by the Planning Board, so I think you probably have to go back to the Planning Board in a work session.

BY MR. TORLEY: The site plan is the same.

BY MR. LUCIA: He has no variance column on his table. He needs to show on the plan the specific variance required and he's just showing, you know, existing and permitted. I think some of the figures are wrong. You probably want to revise some of the figures, some of them you have matching the requirements and the plan itself doesn't match them, so I really would suggest you go over the whole table as well as listing a variance required column.

BY MR. KARTIGANER: If that's the only thing, they may do it in a workshop. That's possible. Because it's a very small thing to put onto the map.

BY MR. LUCIA: As I say, since you're going back anyway, it seems to me to be most sufficient to handle all the issues at the same time so it involved front yard on the variance, do it all at one public hearing. That would be my recommendation. If you want to do it piecemeal you're welcome to.

BY MR. FENWICK: We have got a map signed by Carl Schiefer and it says sent to the Zoning Board of Appeals for necessary variances.

BY MR. TORLEY: Fine, let's get the necessary

variances.

BY MR. LUCIA: As long as he amends the map to show on there what he needs.

BY MR. TORLEY: I don't want to ping pong the gentleman back and forth. So are we permitted for him to go to the building inspector or the daytime workshop session and lay out exactly what he needs and come back for the next preliminary meeting?

BY MR. LUCIA: If he adds the column on variances needed and gets Mike or Mark to sign a new notice of denial, specifically listing all those variances, I see no problem with him coming back. The question is, do you want to see it again at the preliminary before he goes to public hearing?

BY MR. FENWICK: Definitely.

BY MR. KARTIGANER: Go directly to the public hearing?

BY MR. FENWICK: No, the reason why and it sounds, doesn't sound right because I know the other towns you're into a public hearing and they haven't seen it at all, you may go through considerable expense, sit down with the Board and you have got two people that aren't here, have seen it for the first time and go I don't like this and you have no idea why they don't. We can settle it in a preliminary rather than you come to the preliminary and I think it's fair for the applicant. You get to know what we're looking for, okay, or what we expect from you.

BY MR. TORLEY: I have no problem with the plans.

BY MR. FENWICK: I don't either, personally I have no problem with the plan as it stands, but I'd like to have all your ducks in a row, as we say.

BY MR. KARTIGANER: We have to put the variance table and get it signed off at the workshop session.

BY MR. LUCIA: At the same time I'd check the provided column because some of the numbers are not accurate.

BY MR. TORLEY: Did we talk about the two front yard variances? Maybe the canopy or the pumps themselves

and I don't know whether the sign meets it or not.

BY MR. FENWICK: Just address the sign and make sure it gets straightened out. Entertain a motion to table the matter?

BY MR. FINNEGAN: I make the motion to table it.

BY MR. TORLEY: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

MOBIL OIL SITE PLAN (90-50) ROUTE 32 & 94

Mr. Scott Kartiganer came before the Board representing this proposal.

MR. KARTIGANER: The purpose of this meeting is the presentation, address the application of a site plan of a Mobil Station at the corner of Route 32 and 94 in Vails Gate. The plan has been in front of the Board before now.

MR. SCHIEFER: This is the existing station?

MR. KARTIGANER: We are doing a complete rebuild of the existing station. There will be a car wash at this one. Since the last meeting, we have done some work with the DOT coordinating our design with what they are doing out there right now. And also, taking into consideration the major comment what we believe at the last meeting was revising the orientation of the car wash to provide some more stacking capabilities.

And this is what we have done. Just for your edification, this area along Route 32 currently is being in construction as far as the islands. We are showing slightly larger islands. We made the entrances and exits along Route 32 are what the State wants. We may or may not increase the width of that island, depending on what they do. I think they are going to put some brick and make it nice. These islands over here right now currently you can see it is not as clear as you can but we are showing exiting curbing that's out there all right and it's going to be a curb cut back here, two curb cuts along Route 94. What we are proposing to do is only put one which we have generally had, we haven't gotten the formalities through the DOT but they are not going to have any problems with that. I have already discussed it with the field engineer. They are going to construct it the way that they have the design because the exit of the station is there. We couldn't make the field modifications at this time for what we wanted just simply because that's the way it's laid out. I have Mark's comments in front of me. There's one or two minor comments pertaining to the 8 spaces as opposed to 7. That's just a drafting notation there. We have the, I believe, the amount of parking that's required that's there. We haven't shown the landscaping at this time. We are doing considerable landscaping along the perimeter once we have the layout.

MR. VAN LEEUWEN: Gentlemen, he's got to go for a variance, okay, that's basically what he's here for to go to the Zoning Board of Appeals.

MR. SCHIEFER: What's the variance here?

MR. DUBALDI: For the car wash.

MR. VAN LEEUWEN: Read the comments here and it will tell you.

MR. KARTIGANER: And the third thing--

MR. VAN LEEUWEN: No sense in going through all this until after the Zoning Board of Appeals because he doesn't know if he's going to get the variances yet.

MR. SCHIEFER: That map is the way they want it and the DOT is going to control the map, the final map I'd like to see what the actual things are going to be the way they are.

MR. KARTIGANER: They are shown. The actual things as they exist right now. This curbing right here and this curbing, what we have voiced, we have asked the DOT and they have no, they have taken no exception of putting in the curbing just moving this entrance back to here and this entrance we are keeping this the same place. Along 32, what we are showing is the DOT's proposed entrance location. The DOT has a proposed entrance right here at this location. We are just making this into one mass over here and we are putting in the entrance, the DOT has an entrance back here and we want to put it right here so we'll just have a single entrance. They will be constructing it the way their current plan is. We can't have them make that change at this time because the configurations of the pumps.

MR. MC CARVILLE: This particular plan you're showing us, is that wholly utilized the property being used as parking by your neighbors?

MR. JIM MORAN: I'm from Mobil Oil. I think I was by there the other day and the DOT curbing that they have laid out cuts off any access to the rear property but if they weren't doing that, we would, by construction of the car wash where it is and the other things that are going to go back there, that access would no longer be there.

MR. MC CARVILLE: Thank you.

MR. SCHIEFER: This parking will be cut out?

MR. MC CARVILLE: Yes, there's an illegal driveway.

MR. DUBALDI: The trash enclosure is going to be put in the way.

MR. VAN LEEUWEN: I don't know if it goes back that far.

MR. SCHIEFER: McDonald's owns the piece of land and they have today there was nothing in there. I noticed it but that's the piece you're talking about.

MR. MC CARVILLE: I portion of it is on the Mobil--

MR. MORAN: The changes in the grades would totally eliminate right now we don't utilize, we grade off and then there's a flat area and the grade is going to entirely change and that's virtually going to disappear.

MR. SCHIEFER: The DOT will eliminate our problem here.

MR. MC CARVILLE: Can we take a look at your elevations?

MR. KARTIGANER: Sure. All right, the elevations we have some photos also of--

MR. VAN LEEUWEN: Couldn't you guys design a little bit different building than just a box dropped out of the sky by an airplane?

MR. KARTIGANER: Building is sort of modern, it's a gas station.

MR. VAN LEEUWEN: Looks like somebody dropped it out of an airplane.

MR. MC CARVILLE: They all look like boxes.

MR. SCHIEFER: There's the palm trees there.

MR. KARTIGANER: We'll put the palm trees in there.

MR. MC CARVILLE: With this kind of building, we'd like to see a very extensive landscaping.

MR. KARTIGANER: Well, I think--

MR. MC CARVILLE: Including the trees in the drawing. It's gotten to the point where there are just so many of these we have at least applications for three on Route 32 now we got several in existence and all over

the area you look at shoe boxes with a little convenience store in it. They are convenient, they are easy to get in and out of but there comes a time when you have to take a look at what is happening.

MR. KARTIGANER: Well, what I can point out like as far as that Vails Gate corner, probably the nicest kept up and maintained property in that whole little area is that Mobil station.

MR. VAN LEEUWEN: The old Hess station is very well maintained.

MR. MC CARVILLE: I am not overly enthused about the particular design that you are proposing.

MR. VAN LEEUWEN: I'm not either.

MR. MC CARVILLE: But that's corporate.

MR. SCHIEFER: If it's a corporate design, you can do something, make it a little more attractive by landscaping and you have already agreed to do that.

MR. KARTIGANER: We have agreed to do that.

MR. MC CARVILLE: Some emphasis should be put--

MR. KARTIGANER: We'll put--

MR. VAN LEEUWEN: I make a motion to approve this site plan.

MR. MC CARVILLE: I'll second it.

MR. SCHIEFER: Motion has been made and seconded we approve the Mobil Oil Site Plan on Route 32 and 94. Any discussion?

ROLL CALL:

Mr. VanLeeuwen	No
Mr. McCarville	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Schiefer	No

MR. EDSALL: You may want to put in the record the fact that you have looked at a variety of arrangements and this appears to be the best internal traffic arrangement and because of this final best site plan

arrangement, it created a need for a variance. I don't want them to misunderstand that you haven't reviewed it. Is that a fair reflection of where we stand?

MR. SCHIEFER: Anyone have any objection to that going into the minutes to go to the Zoning Board of Appeals along with the plan?

MR. VAN LEEUWEN: No.

MR. SCHIEFER: You want one of these plans stamped?

MR. BABCOCK: Just signed by you.

MOBIL OIL CORPORATION SITE PLAN (90-50) ROUTE 32 & 94

Mr. Chris Fullam came before the Board representing this proposal.

MR. FULLAM: My name is Chris Fullam from Kartiganer Associates. I am here representing Mobil Oil Corporation and proposing to rebuild the Mobil station on the corner of Route 94 and 32. With me is Mr. Jim Moran of Mobil Oil Corporation.

Basically, this is a survey of the station as it is now. We have got four mechanical pumps, one building. New York State DOT just came through and redid the curbing along both sides of the project. It's in the C zone, designed shopping. This use is permitted by special permit, I believe if Mark was here, he can confirm that. What we propose is six Mobil pump dispensers, car wash in the back. This is what we call a total rebuild where you take everything off the site, remove the existing fuel storage tanks, come back and completely rebuild the site putting new storage tanks, canopy, building and car wash.

MR. VAN LEEUWEN: You want to add a car wash to it?

MR. FULLAM: Yes, we do.

MR. VAN LEEUWEN: You're sure about that, you're going to recycle the water?

MR. FULLAM: Yes, we are. The car wash is totally recycleable. They have grills at each end, approximately four gallons per car comes off through the car wash. And that's caught in the grills and goes into the drainage system.

MR. MC CARVILLE: I've got one question and I'm looking at this and I see this area down here existing dirt parking lot and I assume that's where the employees at McDonald's park their cars. What happens to that area under the new site plan?

MR. FULLAM: That area would be back here.

MR. MC CARVILLE: There's a really, what we would call an illegal curb cut. The last time McDonald's was in there, we asked them to eliminate that, I'm surprised that the DOT hasn't done it. And I'm sure they probably will when they put the curb in there but as part of that revised plan, I want that curb to extend

right over that driveway.

MR. FULLAM: That curb cut is not on our property. Well, the parking is over here.

MR. MC CARVILLE: The parking is on your property.

MR. VAN LEEUWEN: That's not your property.

MR. FULLAM: Over here, no. This curbing out here reflects the design rebuild of the curbs by the DOT. We are not proposing any work in the DOT right-of-way at all.

MR. VAN LEEUWEN: Can I ask you a question. Let's go back to the parking lot because I see you like to get away from that.

MR. MORAN: My name is Jim Moran from Mobil Oil. We have had a number of discussions with McDonald's operations about a number of things. They had proposed some easement and things like that and that unofficial curb cut is between our property and Pizza Huts. It's not on our property. Now, some of the parking that eventually ends up in the back is encroaching on our property. And I wrote a letter to them last year when we met the manager over there May 3rd of 1990 explaining to them that they have a number of encroachments. They had a bridge back there for the employees to get over which is on our property. The flag pole that they have is located on our property and it wasn't at that point it's really not given us any problem where it is however I told them that if we do need that other area for some other use or change in our site plan, they'd certainly have to remove it. They had fill materials and the vehicles from McDonald employees. The ones on this side closer to the corner but they are not entering on our property.

MR. MC CARVILLE: Just for the record, about two years ago McDonald's was in and we at that time asked them to discontinue the use of that parking area.

MR. VAN LEEUWEN: They agreed to do it.

MR. MC CARVILLE: They agreed to do it. However, it never materialized. As part of the approval of this plan, I would hope that that would be a landscaped area without parking. In other words, we don't want it to be used for that purpose.

MR. MORAN: I'm not clear. I'm not clear if we can

keep them out of there, it's not our property. The access to it--

MR. MC CARVILLE: We understand that.

MR. MORAN: Our property will not be useable anymore. It will have a different grade there. The trash enclosure would be in that corner. And we can fence it off or do something.

MR. MC CARVILLE: This would require some type of landscaping. Matter of fact, there's no landscaping that I can see on the site with this plan.

MR. MORAN: All of this area and the curbing will be landscaped.

MR. MC CARVILLE: We'll need a landscaping plan to supplement this.

MR. MORAN: There's a steep grade here like a bank and right now there's a fence like a guard rail along here that will be removed and will operate more to the property line.

MR. MC CARVILLE: And your calculations of all your areas was the easement deducted?

MR. FULLAM: Yes, that was one of the comments Mark had at the workshop session.

MR. LANDER: I think Chris might be able to answer, did you see the State outline of the curb passed your site into Pizza Hut? Do you remember off-hand whether or not that was going to be curbed straight across that would stop the traffic there?

MR. BABCOCK: That's the entrance to Pizza Hut. If you actually look at it, what you do is you, it's actually the exit coming out of Pizza Hut. That's their exit. You can go in and bear--if you want to go into it, you'd bear to the right. What the people from McDonald's are doing is going in and going right over the parking line.

MR. LANDER: There's curbing there. There's curbing there now into Pizza Hut. They go on the other side of the curbing. That's what I'm saying. I don't know-- does the curbing go straight across and wrap around into Pizza Hut?

MR. BABCOCK: They are redoing all the way back to

almost the Thruway so if there's no curbing, there's not going to be a curb cut there when it's all said and done. There won't be.

MR. LANDER: I know it's hard to get one from them.

MR. MORAN: You can see that there was curbing. This is our property on this side of this pole and they are going in right here now and actually there's no more grass, kind of dirt road.

MR. MC CARVILLE: They put a little shale down there.

MR. MORAN: They had proposed that we give them an easement to our property inside the red lines and we said no so they are coming in over here, this side of the pole.

MR. BABCOCK: Maybe we can ask the applicant at any time did McDonald's rent that property from them for parking?

MR. MORAN: No, that's why I put them on notice that we are not condoning what they are doing.

MR. MC CARVILLE: They submitted that as part of their plan that employees parking was going to be there on one of them.

MR. MORAN: Back in 1987, they had proposed that we give them an easement and we didn't. If they were representing we had, that's not true.

MR. LANDER: To get to the car wash, we have to drive across the pads there? What happens if somebody is unloading gas or that's where they fill?

MR. MORAN: They fill over--yes.

MR. MC CARVILLE: Which way does the traffic flow into the car wash? How does it flow in?

MR. FULLAM: Arrow coming in, arrow coming out, cars waiting here.

MR. MC CARVILLE: Is this going to be, what's this here?

MR. FULLAM: These are pumps.

MR. MC CARVILLE: These are not filling station things, they're underground tanks.

MR. LANDER: I know they're underground tanks.

MR. MORAN: The only time any impediment here would be if there was a truck and they'd impede the entire operation. They generally come in at night I would think or at some off peak time.

MR. MC CARVILLE: You look at this flow more desirable from a standpoint of getting customers in rather on this side where you can stack more cars.

MR. MORAN: Quite frankly, we have preliminarily laid out both ways and we really haven't made up our minds as to which way would be best. I think you'd get more stacking here right and actually the flow would be into the car wash here and then out. This car wash is not high volume type of operation. It's a rollover, one car at a time, usually tied into the gas line. Most of the people will buy gas, they'll get a ticket or a number to punch into this little machine, it's a rollover car wash.

MR. MC CARVILLE: If you're going to stack--

MR. KRIEGER: There's one on Route 9. I went down there and washed my car and I found that this picture of one car, that place was jammed.

MR. MORAN: South Road?

MR. KRIEGER: Yes.

MR. MORAN: South Road has always been, it's a brushless car wash. It was built by Mobil and then turned over to a dealer later on in the '80's but it's a more of a car wash oriented facility.

MR. DUBALDI: I used to work up there and the one difference though between that one and this one is that there was another way for the cars to get in there. There was a clear, you know, right-of-way to get in there, I mean, you know, I didn't have to necessarily go to the pumps. You could go around the pumps. I'm looking at this on the end and there's no way, I mean at least from what it looks on my map here, there's no way a car could get in unless it's going to the gas, not much room.

MR. MC CARVILLE: They're underground tanks, drive right over it.

MR. MORAN: I tend to agree with you, might be a better

possibility to put the car wash over here.

MR. MC CARVILLE: You're safer because last thing a guy does before he goes into the car wash if he's a smoker, he drops the cigarette butt out the window. I know, I'm a smoker. But, I think it would be safer coming through stacking this way.

MR. FULLAM: Our concern stacking over here is the easement, sewer easement.

MR. MC CARVILLE: Another thing you need is an approval, DOT, you got Fire Department approval.

MR. FULLAM: We need--

MR. LANDER: You mean DEC. Do you need anything from the DEC?

MR. FULLAM: I don't believe so, discharges into the storm sewer.

MR. LANDER: Car wash does, he needs approvals from DEC and the EPA.

MR. MORAN: No. This is not the--this is where the location of the proposed car wash is. You can still put it out of the easement.

MR. MC CARVILLE: Leave the car wash right where it is and just turn it slightly parallel to the easement and you come out of here and you're straight out away from here, you follow me? Just reverse the traffic, turn the car wash like that. You can even offset that a little bit. The other plan showed the car wash in the front of the building.

MR. LANDER: Then you're always going into the traffic, that way you're talking about coming off 32.

MR. MC CARVILLE: In off 32 but they are going out the other way.

MR. LANDER: Again, they're going across traffic that way.

MR. MORAN: Well, I don't know how it effects your perception of the plan but the car wash is a truly accessory secondary use to this site. The site is going to be dominated by the gas facilities. People are not going to become, I think, there might even be a car wash somewhere. Is there a Purple car wash?

MR. VAN LEEUWEN: Right across the street.

MR. MORAN: Which probably if people want to get a good car wash or as good as you can get out of a tunnel car wash, they might go to that. The cars come into the islands and however this is laid out, they then have got all of them, I mean a small percentage will get a car wash.

MR. MC CARVILLE: Where it is sitting is not on the easement so I don't see what the problem would be to have the flow come this way rather than this way rather than stacking three cars here and having them out on the highway. You have a lot more stacking room.

MR. MORAN: It may be a preference to right turns, left turns, it's a more normal turn for somebody to pull in this way but that's, it can be done.

MR. MC CARVILLE: Other than that, I have no problem with the plan.

MR. LANDER: Those parking spaces have to be changed.

MR. MC CARVILLE: What respect?

MR. LANDER: They are 9 foot, they have to be 10.

MR. VAN LEEUWEN: That's town law. We can't waive that.

MR. FULLAM: We can do that.

MR. DUBALDI: The length has to be 20 feet, correct?

MR. VAN LEEUWEN: Nineteen (19) feet.

MR. MC CARVILLE: What is your source of water for this facility? Are you working on a well now?

MR. FULLAM: No, we put a--

MR. MC CARVILLE: Anybody want to make a motion on the lead agency?

MR. VAN LEEUWEN: I'll so move.

MR. DUBALDI: I'll second it.

ROLL CALL:

Mr. Dubaldi Aye
Mr. Lander Aye
Mr. VanLeeuwen Aye
Mr. McCarville Aye

MR. MC CARVILLE: Motion for a negative declaration?

MR. VAN LEEUWEN: It's a gasoline station, I don't think I want to take negative declaration on this one yet plus there's a car wash going in there, car wash is no big deal but gasoline--

MR. MORAN: Tanks will be removed and replaced with double wall fiberglass.

MR. MC CARVILLE: That's done under DEC inspection.

MR. FULLAM: Plus the town can make, I don't see a big problem with the negative declaration, somebody mentioned something on the recycling, was the water going to be recycled.

MR. VAN LEEUWEN: I'd like to see some detailed drawings how the water gets--

MR. MORAN: Absolutely.

MR. MC CARVILLE: I'll give a copy of the comments.

MR. MORAN: The only water you actually lose is the drip water. Everything else is recycled.



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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
PROJECT NUMBER: 90-50
DATE: 16 OCTOBER 1991
DESCRIPTION: THE APPLICATION INVOLVES THE COMPLETE REMOVAL OF THE EXISTING BUILDING ON THE SITE AND CONSTRUCTION OF NEW SERVICE ISLANDS, NEW RETAIL BUILDING AND A NEW CAR WASH. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 FEBRUARY 1991, 22 MAY 1991 AND 11 SEPTEMBER 1991 PLANNING BOARD MEETINGS. THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

1. The Board should note, for the record, that the Public Hearing being held is for both the site plan application and the required special permit for Use B-5.
2. A review of the plan indicates that the "provided" values appear to have changed for the proposed site plan. Based on the values indicated, it appears that the sales building has been moved somewhat. The Board may wish to discuss this in detail with the Applicant.

It should also be noted that the Applicant has revised the parking provisions, providing only the number of spaces required, per code (five (5) spaces are required; eight (8) were previously provided, now five (5) are provided).

3. The status of the review and approval of the New York State Department of Transportation should be discussed, for the record.
4. At the most recent Planning Board meeting, the Board directed that the Applicant prepare a landscape plan for the site improvements. As of this date, I have not received such landscaping plan; the Board may wish to discuss the status of same with the Applicant.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

-2-

PROJECT NAME: MOBIL OIL SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 AND 94 (5 CORNERS)
PROJECT NUMBER: 90-50
DATE: 16 OCTOBER 1991

5. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Paragraph A(1)(9) of Chapter 19 of the Town Code.
6. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MOBIL3.mk

10-8-91

90 - 50

SEP 31 1991
Rev. 4

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____
subdivision _____ as submitted by
Kartigan Assoc. for the building or subdivision of
Mobil Oil - 5 corners. has been
reviewed by me and is approved ✓
~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

There is town water servicing this property.
Notify water dept. if needed.

HIGHWAY SUPERINTENDENT

Stan D. Dr
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

CC: H.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒
subdivision _____ as submitted by
Kartiganer Associates for the building or subdivision of
Mobil Oil Corporation has been
reviewed by me and is approved ☒
disapproved _____.

If disapproved, please list reason _____

Special care with Oil and Grease and Mud Traps

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman D. Masten Jr.

SANITARY SUPERINTENDENT

October 7, 1991

DATE

CC:H.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 9 October 1991
SUBJECT: Mobil Oil Corporation

PLANNING BOARD REFERENCE NUMBER: PB-90-50
DATED: 31 (30) September 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-079

A review of the above referenced subject site plan was conducted on 7 October 1991.

This site plan is acceptable.

PLANS DATED: 15 September 1991; Revision 9.


Robert F. Rodgers; LCA
Fire Inspector

RFR:mr
Att.

CC:M.E.



Louis Holmbeck
County Executive

90-50
Department of Planning
& Development
124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 33 91 M
County I.D. No. 69 / 4 / 26.2

Applicant Mobil Oil Corp.

Proposed Action: Site Plan - Mini Mart, gas station & car wash

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. #32 & 94

Comments: There are no significant County-wide or Inter-community concerns to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

9/20/91

Date

9/25/91 @ CC: H.E.

R. Vincent Hammond
DEP

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 90-50

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date _____

☐ City, Town or Village Board ☒ Planning Board ☐ Zoning Board

2. Owner: Name Mobil Oil Corp.

Address P.O. Box 290, Dallas, Tx 75221

3. Applicant*: Name Mobil Oil Corp.

Address 50 Broadway - Hawthorn, N.Y. 10532

* If Applicant is owner, leave blank

4. Location of Site: Rt. 32 (West Side) At Intersection of Rt. 32 & Rt. 94
(street or highway, plus nearest intersection)

Tax Map Identification: Section 69 Block 4 Lot 26.2

Present Zoning District C Size of Parcel 0.978 ± Acres

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area _____

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use Mini-Mart, Gasoline Station & Car Wash

9-12-91
Date

Myra Mason, Secy for the P.B.
Signature and Title



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

1-3
**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

(TOWN) VILLAGE OF New Windsor P/B #
WORK SESSION DATE: 3 Sept 91 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: No
PROJECT NAME: Mobil Oil s/p. (Du-Bon Steel)
PROJECT STATUS: NEW X OLD
REPRESENTATIVE PRESENT: Bob Stang, Ed Foreman
MUNIC REPS PRESENT: BLDG INSP. VAC
FIRE INSP. John
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

16' x 25' accessory
storage building.
permitted accessory use
doesn't need s/p app'l
n/w corner of parcel on river
side of tracks.
No P/B action
needed.

4MJE91 pbwsform.

90 - 50

Rev. 3

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSPE~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒

Subdivision _____ as submitted by

Kartigamer Assoc. P.C. for the building or subdivision of

Mobil Oil Corp. has been

reviewed by me and is approved ☒

disapproved _____.

If disapproved, please list reason _____

Present building is currently connected to
Sewage Collection System

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn M. Masten

SANITARY SUPERINTENDENT

August 9, 1991

DATE

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 13 August 1991
SUBJECT: Mobil Oil Corporation
Rt. 32

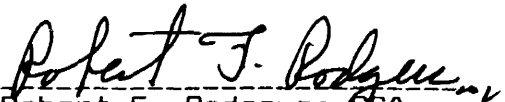
PLANNING BOARD REFERENCE NUMBER: PB-90-50
DATED: 8 August 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-062

A review of the above referenced subject site plan was conducted on 13 August 1991.

This site plan is acceptable.

PLANS DATED: 7 August 1991; Revision 6.


Robert F. Rodgers; OCA
Fire Inspector

RFR:mr
Att.

✓
cc:M.E.

8-12-91

AUG - 8 1991

90-50

Rev.3

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~ SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____

as submitted by _____

Kartiganer Assoc.

for the building or subdivision of _____

Mobil Oil - Vails Gate.

has been _____

reviewed by me and is approved ✓

disapproved _____

~~If disapproved, please list reason~~

Notify water dept. if water service needs
to be located.

HIGHWAY SUPERINTENDENT _____

Steve D. Jr.
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT _____

DATE _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 90 - 50
WORK SESSION DATE: 6 August '90 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: _____ REQUIRED: _____
PROJECT NAME: Mobil Oil
PROJECT STATUS: NEW _____ OLD _____
REPRESENTATIVE PRESENT: Mark Olsen / Mike Cain
MUNIC REPS PRESENT: BLDG INSP. (uk)
FIRE INSP. Bob
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

add or sign in detail
need to schedule P/H for Spec Permit
next avail agenda
for OK of P/H

ZONING BOARD OF APPEALS
Summer Session
July 22, 1991

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of June 10th and June 24th and July 8, 1991 minutes if available.

PRELIMINARY:

DEVELOPMENT COVERAGE 30 PERCENT

TABLE

(1) STENT, JEFFREY - Request for (1) 12 ft. front yard and (2) 9 ft. 6 in. rear yard for existing pool and deck located at 15 Melrose Avenue in R-4 zone. Also, pool does not meet minimum 10 ft. setback in accordance with Sec. 48-21(1)(G); deck and shed do not meet minimum 10 ft. setback for corner lot w/ regard to ~~obstruction of view - Sec. 48-11(B)(1)~~; and pool, deck and shed project closer to road than house - Sec. 48-14(E)(4).

SETUP FOR PUBLIC HEARING (2) EXETER BUILDING CORP. - Request for 18 s.f. sign variance to erect free-standing sign at Washington Green Condominium site located on Windsor Highway in a C zone. Present: Joseph Sweeney and David Fried. ALSO SET BACK FROM RD REQ 15' PRO. VARIANCE 14
SET BACK FROM PROP. LINE REQ 15' PRO. VARIANCE 14

PUBLIC HEARING:

APPROVED (3) FRISCH, THOMAS - Request for 11 ft. rear yard variance to construct deck on premises located on Short Road in an R-4 zone.

LOT AREA APPROVED (4) MOBIL OIL CORP. - Request for (1) 1,830 s.f. lot area, (2) 21 ft. front yard (car wash), (3) 36 ft. frnt yard on Rt. 94 CANOPY (canopy), (4) 4 ft. front yard on Rt. 32 (canopy), (5) 3 ft. side yard, (6) 13.0 ft. rear yard (car wash), and (7) 6.5 ft. building height variances for purposes of rebuilding of service station CAR WASH DISAPPROVED with addition of car wash/convenience store at Five Corners in a C zone. Present: Scott Kartiganer, P. E.

LOT AREA APPROVED (5) SUN OIL REFINING - Request for (1) 25,000 s.f. lot area, (2) 63.06 ft. lot width, (3) 58.5 ft. front yard, (4) 26.25 ft. side yard, (5) 12 ft. building height, (6) 13 ft. sign setback and (7) 38 ft. sign variance to reconstruct service station at 432 LOT WIDTH APPROVED Windsor Highway in C zone. Present: Ralph Holt representing Sunoco. DISAPPROVED ALL OTHERS

APPROVED (6) BILA PARTNERS - Request for 241 s.f. sign area variance for Caldor's located on Windsor Highway in a C zone. Present: Brian O'Connor of Frohling Sign Company.

FORMAL DECISIONS: * (1) TRADE AUTO } APPROVED
(2) VOGELSONG }

*Subject to availability.

PAT - 563-4630 (O)
562-7107 (H)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR # 2
ORANGE COUNTY, NY

PUBLIC
HEARINGS

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

LOT AREA
APPROVED
CANOPY
APPROVED

PLANNING BOARD FILE NUMBER: 90-50

DATE: 18 June 1991

APPLICANT: Mobil Oil Corp.

Rev. 25 June 1991

CAR WASH
DISAPPROVED

50 Broadway

Hawthorne, New York 10532

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 30 March 1990

FOR (~~SUBDIVISION~~ ~~xx~~ SITE PLAN) _____

LOCATED AT West side of NYS Route 32 and South side of NYS

Route 94 ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 4 LOT: 26.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

Site area, front yard, rear yard, side yard and building

height variances


PLANNING BOARD CHAIRMAN

values as provided by applicant.

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	C USE	B-5 & A-1	
MIN. LOT AREA		40,000 SF	38,170 SF
MIN. LOT WIDTH		200 Ft	213 Ft
REQ'D FRONT YD		60 Ft	car wash 39' Canopy Rt 94 24' Canopy Rt 32 56'
REQ'D SIDE YD.		30 Ft	Canopy 27 Ft
REQ'D TOTAL SIDE YD.		70 Ft	N/A
REQ'D REAR YD.		30 Ft	17.0 Ft
REQ'D FRONTAGE		N/A	N/A
MAX. BLDG. HT.		5.7'	12.2' CAR WASH 6.5'
FLOOR AREA RATIO		0.50	4%
MIN. LIVABLE AREA		N/A	--
DEV. COVERAGE		N/A %	-- %
O/S PARKING SPACES		5	7

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

Sent to Z.B.A. - 7/2/91 (m)

MOBIL OIL SITE PLAN (90-50) ROUTE 32 & 94

Mr. Scott Kartiganer came before the Board representing this proposal.

MR. KARTIGANER: The purpose of this meeting is the presentation, address the application of a site plan of a Mobil Station at the corner of Route 32 and 94 in Vails Gate. The plan has been in front of the Board before now.

MR. SCHIEFER: This is the existing station?

MR. KARTIGANER: We are doing a complete rebuild of the existing station. There will be a car wash at this one. Since the last meeting, we have done some work with the DOT coordinating our design with what they are doing out there right now. And also, taking into consideration the major comment what we believe at the last meeting was revising the orientation of the car wash to provide some more stacking capabilities.

And this is what we have done. Just for your edification, this area along Route 32 currently is being in construction as far as the islands. We are showing slightly larger islands. We made the entrances and exits along Route 32 are what the State wants. We may or may not increase the width of that island, depending on what they do. I think they are going to put some brick and make it nice. These islands over here right now currently you can see it is not as clear as you can but we are showing exiting curbing that's out there all right and it's going to be a curb cut back here, two curb cuts along Route 94. What we are proposing to do is only put one which we have generally had, we haven't gotten the formalities through the DOT but they are not going to have any problems with that. I have already discussed it with the field engineer. They are going to construct it the way that they have the design because the exit of the station is there. We couldn't make the field modifications at this time for what we wanted just simply because that's the way it's laid out. I have Mark's comments in front of me. There's one or two minor comments pertaining to the 8 spaces as opposed to 7. That's just a drafting notation there. We have the, I believe, the amount of parking that's required that's there. We haven't shown the landscaping at this time. We are doing considerable landscaping along the perimeter once we have the layout.

MR. VAN LEEUWEN: Gentlemen, he's got to go for a variance, okay, that's basically what he's here for to go to the Zoning Board of Appeals.

MR. SCHIEFER: What's the variance here?

MR. DUBALDI: For the car wash.

MR. VAN LEEUWEN: Read the comments here and it will tell you.

MR. KARTIGANER: And the third thing--

MR. VAN LEEUWEN: No sense in going through all this until after the Zoning Board of Appeals because he doesn't know if he's going to get the variances yet.

MR. SCHIEFER: That map is the way they want it and the DOT is going to control the map, the final map I'd like to see what the actual things are going to be the way they are.

MR. KARTIGANER: They are shown. The actual things as they exist right now. This curbing right here and this curbing, what we have voiced, we have asked the DOT and they have no, they have taken no exception of putting in the curbing just moving this entrance back to here and this entrance we are keeping this the same place. Along 32, what we are showing is the DOT's proposed entrance location. The DOT has a proposed entrance right here at this location. We are just making this into one mass over here and we are putting in the entrance, the DOT has an entrance back here and we want to put it right here so we'll just have a single entrance. They will be constructing it the way their current plan is. We can't have them make that change at this time because the configurations of the pumps.

MR. MC CARVILLE: This particular plan you're showing us, is that wholly utilized the property being used as parking by your neighbors?

MR. JIM MORAN: I'm from Mobil Oil. I think I was by there the other day and the DOT curbing that they have laid out cuts off any access to the rear property but if they weren't doing that, we would, by construction of the car wash where it is and the other things that are going to go back there, that access would no longer be there.

MR. MC CARVILLE: Thank you.

MR. SCHIEFER: This parking will be cut out?

MR. MC CARVILLE: Yes, there's an illegal driveway.

MR. DUBALDI: The trash enclosure is going to be put in the way.

MR. VAN LEEUWEN: I don't know if it goes back that far.

MR. SCHIEFER: McDonald's owns the piece of land and they have today there was nothing in there. I noticed it but that's the piece you're talking about.

MR. MC CARVILLE: I portion of it is on the Mobil--

MR. MORAN: The changes in the grades would totally eliminate right now we don't utilize, we grade off and then there's a flat area and the grade is going to entirely change and that's virtually going to disappear.

MR. SCHIEFER: The DOT will eliminate our problem here.

MR. MC CARVILLE: Can we take a look at your elevations?

MR. KARTIGANER: Sure. All right, the elevations we have some photos also of--

MR. VAN LEEUWEN: Couldn't you guys design a little bit different building than just a box dropped out of the sky by an airplane?

MR. KARTIGANER: Building is sort of modern, it's a gas station.

MR. VAN LEEUWEN: Looks like somebody dropped it out of an airplane.

MR. MC CARVILLE: They all look like boxes.

MR. SCHIEFER: There's the palm trees there.

MR. KARTIGANER: We'll put the palm trees in there.

MR. MC CARVILLE: With this kind of building, we'd like to see a very extensive landscaping.

MR. KARTIGANER: Well, I think--

MR. MC CARVILLE: Including the trees in the drawing. It's gotten to the point where there are just so many of these we have at least applications for three on Route 32 now we got several in existence and all over

the area you look at shoe boxes with a little convenience store in it. They are convenient, they are easy to get in and out of but there comes a time when you have to take a look at what is happening.

MR. KARTIGANER: Well, what I can point out like as far as that Vails Gate corner, probably the nicest kept up and maintained property in that whole little area is that Mobil station.

MR. VAN LEEUWEN: The old Hess station is very well maintained.

MR. MC CARVILLE: I am not overly enthused about the particular design that you are proposing.

MR. VAN LEEUWEN: I'm not either.

MR. MC CARVILLE: But that's corporate.

MR. SCHIEFER: If it's a corporate design, you can do something, make it a little more attractive by landscaping and you have already agreed to do that.

MR. KARTIGANER: We have agreed to do that.

MR. MC CARVILLE: Some emphasis should be put--

MR. KARTIGANER: We'll put--

MR. VAN LEEUWEN: I make a motion to approve this site plan.

MR. MC CARVILLE: I'll second it.

MR. SCHIEFER: Motion has been made and seconded we approve the Mobil Oil Site Plan on Route 32 and 94. Any discussion?

ROLL CALL:

Mr. VanLeeuwen	No
Mr. McCarville	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Schiefer	No

MR. EDSALL: You may want to put in the record the fact that you have looked at a variety of arrangements and this appears to be the best internal traffic arrangement and because of this final best site plan

arrangement, it created a need for a variance. I don't want them to misunderstand that you haven't reviewed it. Is that a fair reflection of where we stand?

MR. SCHIEFER: Anyone have any objection to that going into the minutes to go to the Zoning Board of Appeals along with the plan?

MR. VAN LEEUWEN: No.

MR. SCHIEFER: You want one of these plans stamped?

MR. BABCOCK: Just signed by you.

OSSMANN, EILEEN SUBDIVISION (91-6) BEATTIE ROAD

Mr. John Nosek of Tectonic Engineering came before the Board representing this proposal.

MR. VAN LEEUWEN: I will not partake in this application.

MR. SCHIEFER: Are you going to ask for final approval on this this evening?

MR. NOSEK: It depends.

MR. SCHIEFER: There are only four members sitting on this Board and if you ask for final approval and you get one disapproval, it's disapproved.

MR. MC CARVILLE: It's going to change in the immediate future.

MR. SCHIEFER: If we do vote on it.

MR. MC CARVILLE: What going to change this meeting versus the next meeting?

MR. SCHIEFER: I hope the Town Board does something about it but that's a situation. I'm just going to warn the applicant unless it gets unanimous approval, we're down to four members. It's got to be unanimous.

MR. MC CARVILLE: And I don't like flag lots so--

MR. NOSEK: My name is John Nosek and I represent Eileen Ossmann for the proposed two lot subdivision on Beattie Road. In reference to the last Planning Board meeting, a number of comments were raised which we revised the drawings, probably the biggest comment was regarding the access off of Beattie Road and the fact that we now have two driveways coming in as opposed to one private road previously. I did speak with Mr. Fayo, the Highway Superintendent, a while ago I contacted him and he told me that he had gone out to the site. He had looked at it and he saw no objections to the two driveways located adjacent to each other. In addition to that, we provided on Sheet 2, a profile for the driveway showing the proposed and existing grades for the single family dwelling. Additional comments on the first sheet here I did provide that information that you requested.

MR. SCHIEFER: Twelve (12) percent slope?

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 28 May 1991
SUBJECT: Mobile Oil Corporation

PLANNING BOARD REFERENCE NUMBER: PB-90-50
DATED: 13 May 1991

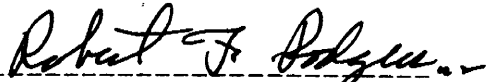
FIRE PREVENTION REFERENCE NUMBER: FPS-91-040

A review of the above referenced subject site plan was conducted on 28 May 1991.

After speaking with Mobil Oil Corporation Engineer, Christopher Barnes regarding my concerns as stated in my last memo, I feel that my questions have been answered satisfactorily.

This site plan is acceptable.

PLANS DATED: 13 May 1991; Revision 3.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

✓
CC: M.E.

MAY 13 1981

90 - 50

Rev. 2

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.
D.O.T., O.C.H., O.C.P., D.P.W., WATER, ~~SEWER~~, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ MOBIL OIL _____ has been
reviewed by me and is approved _____
disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

[Signature]
SANITARY SUPERINTENDENT

DATE

✓
CC: M.E.

MAY 13 1981

90-50
Rev. 2

5-16-91

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
Katigano Assoc. for the building or subdivision of
Mobil Oil Corp. has been
reviewed by me and is approved ☒
disapproved _____.

~~If disapproved, please list reason~~ _____

There is town water servicing this property.

HIGHWAY SUPERINTENDENT

Stan D. D.

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

CC: M.E.

MAY 13 1991

90 - 50

Rev. 2

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒

Subdivision _____ as submitted by
Kartigamer Assoc. for the building or subdivision of
Mobile Oil Corp. has been
reviewed by me and is approved ☒
disapproved _____.

If disapproved, please list reason _____

This property is connected to Town's Sewer System

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Luman L. Master Jr.
~~SANITARY SUPERINTENDENT~~

May 14, 1991
DATE

✓
C.C.H.E.

4-4-91

90-50

APR 2 - 1991

Rev. 1

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., ~~SEWER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____
subdivision _____ as submitted by
Kartigan Assoc. for the building or subdivision of
Mobil Oil - 32 & 94 has been
reviewed by me and is approved ☒
disapproved _____

~~If disapproved, please list reason~~

Notify water dept. if water service needs
to be located.

HIGHWAY SUPERINTENDENT

Steve D. D'...
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

✓
CC: M.E.

90-50

APR 2 - 1991

Rev 1

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INST.~~,
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒

subdivision _____ as submitted by

Kristigamer Assoc. for the building or subdivision of

Mobil Oil Corp. has been

reviewed by me and is approved ☒

disapproved _____

If disapproved, please list reason _____

Property is already Served. Any changes will require
RP - Pumping Permit

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman R. Marten Jr.

SANITARY SUPERINTENDENT

April 4, 1991

DATE

✓
CC: M.E.

MOBIL.PB

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Robert F. Rodgers, Fire Inspector
DATE: April 4, 1991
SUBJECT: Mobil Oil Corp.
Rt. 32 & 94

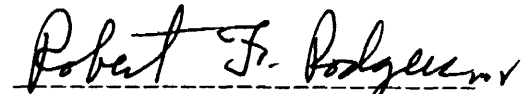
PLANNING BOARD REFERENCE NUMBER: PB-90-50
DATED: 2 April 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-027


A review of the above mentioned subject site plan was conducted on 4 April 1991, with the following being noted.

1.) Should a spill occur at the pump islands, will it be contained at the island, or will it enter the existing catch basins?

PLANS DATED: 1 April 1991; Revision 2.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

Spoke to Chris from Kartiganer 4/5/91 @ 10:00 a.m. - He will phone Bob Rodgers
To try to resolve the above
issue. 

cc: M.E.
Chris - Kartiganer Assoc.

MOBIL.PB

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Robert F. Rodgers, Fire Inspector
DATE: April 4, 1991
SUBJECT: Mobil Oil Corp.
Rt. 32 & 94

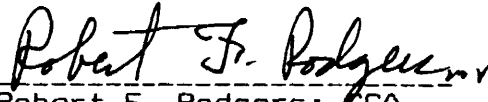
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1.) Should a spill occur at the pump islands, will it be contained at the island, or will it enter the existing catch basins?

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Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

Spoke to Chris from Kartiganer 4/5/91 @ 10:00 a.m. - He will phone Bob Rodgers
To try to resolve the above
issue. 

cc: M.E.
Chris - Kartiganer Assoc.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 14 November 1990

SUBJECT: Mobil Oil Corporation - Rt. 94 and Rt. 32 station

PLANNING BOARD REFERENCE NUMBER: PB-90-50

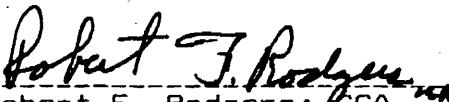
DATED: 13 November 1990

FIRE PREVENTION REFERENCE NUMBER: FPS-90-102

A review of the above referenced subject site plan was conducted on 14 November 1990.

This site plan is approved.

PLANS DATED: 9 November 1990; Revision 1.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

✓
CC: M.E.

11-14-60

90-50

NOV 13 1960

Orig.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

Kartiganer Assoc. for the building or subdivision of
Mobil oil - 5 columns has been

reviewed by me and is approved ☒

disapproved _____

~~If disapproved, please list reason~~ _____

There is two water servicing this property.

HIGHWAY SUPERINTENDENT

Steve B. Davis
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

CC: M.E.

90 - 50

NOV 13 1990

Orig.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval ☒

Subdivision _____ as submitted by

~~Karitzamer Engineer~~
Mobile Oil

for the building or subdivision of

_____ has been

reviewed by me and is approved ☒

disapproved _____

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Luman R. Masten Jr.

SANITARY SUPERINTENDENT

November 13, 1990

DATE

✓
CC: H.E.

NOV 13 1990

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project Site Plan - Rebuild STA 06N2X
2. Name of Applicant Mobil Oil Corp. Phone _____
Address 50 Broadway Hawthorne New York 10532
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Mobil Oil Corp. Phone _____
Property Tax Division
Address P.O. Box 290 Dallas Texas 75221
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Kartiganer Assoc. Phone 914-562-4391
Address 555 Blooming Grove Tpke New Windsor NY 12553
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning
Board Meeting Scott T. Kartiganer Phone 914-562-4391
(Name)
7. Location: On the West side of Route 32
-0- feet South (Street)
(Direction)
of Route 94
(Street)
8. Acreage of Parcel 0.978± acres 9. Zoning District "C"
10. Tax Map Designation: Section 69 Block 4 Lot 26.2
11. This application is for Site Plan Approval

12. Other Property Information:

- a.) Is the proposed use in or adjacent to a Residential District? No
- b.) Is a pending sale or lease subject to Planning Board approval of this application? No
- c.) When was property purchased by present owner? _____
- d.) Has property been subdivided previously? No When? _____
- e.) Has property been subject of special permit previously? No When? _____
- f.) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- g.) Is there any outside storage at the property now or is any proposed? Describe in detail: None proposed

13. Attach a proposed plan showing the size and location of the Lot and location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the Lot. Plan should also comply with the Site Plan Checklist, as applicable.

AFFIDAVIT

Date: 25 Sept 90

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The Applicant further understands and agrees that the Planning Board may require you to periodically renew a Special Permit and withhold renewal upon a determination that prescribed conditions have not been or are no longer complied with.

SCOTT KARTIGANEN
(Applicant)

AS AGENT FOR MOBIL OIL
CORP.

Sworn to before me this

26th day of September, 19 90

Linda M. Marasco
(Notary)

LINDA M. MARASCO
Notary Public, State of New York
No. 4954785
Qualified in Orange County
Term Expires August 14, 19 91

NOV 13 1990

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SPECIAL PERMIT

1. Name of Project Site Plan - Rebuild STA 06N2X
2. Name of Applicant Mobil Oil Corp. Phone _____
Address 50 Broadway Hawthorne New York 10532
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Mobil Oil Corp. Phone _____
Address Property Tax Division
P.O. Box 290 Dallas Texas 75221
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Kartiganer Assoc. Phone 914-562-4391
Address 555 Blooming Grove Tpke New Windsor NY 12553
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Scott T. Kartiganer Phone 914-562-4391
(Name)
7. Location: On the West side of Route 32
(Street)
-0- feet South
(Direction)
of Route 94
(Street)
8. Acreage of Parcel 0.978± acres 9. Zoning District "C"
10. Tax Map Designation: Section 69 Block 4 Lot 26.2
11. Describe proposed use in detail: Gasoline dispensing
and a small "Mobil Mart" convenience store

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section N/A Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

SCOTT KARTIGANER being duly sworn, deposes and says that he resides at (BUSINESS) 5555 BLOOMING GROVE TRIL in the County of ORANGE and State of NY and that he is (the owner in fee) of AGENT FOR MOBIL OIL CORP. (Official Title) of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized SCOTT KARTIGANER PE to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

25 day of Sept. 90
198

X Linda M. Marasco
Notary Public

LINDA M. MARASCO
Notary Public, State of New York
No. 4954785
Qualified in Orange County
Term Expires August 14, 1991

(Owner's Signature)

SCOTT KARTIGANER PE.
(Applicant's Signature)
AS AGENT FOR MOBIL OIL CORP.

(Title)

Mobil Oil Corporation

February 8, 1990

Kartiganer Associates
555 Blooming Grove Tpke
New Windsor, NY 12550

Mobil Oil Corporation
Authority To Act As Agent

To Whom it May Concern:

This is to confirm that Scott Kartiganer of Kartiganer Associates is authorized by Mobil Oil Corporation to act as an agent of Mobil for the purpose of applying for and obtaining all required permits and approvals associated with assigned construction projects.

Sincerely,



R.J. Ciccotelli

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Mobil Oil Corp.	2. PROJECT NAME Site Plan - Rebuild STA 06N2X
3. PROJECT LOCATION: Municipality New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Corner of Routes 94 & 32 in Vails Gate	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Existing buildings and gasoline storage facilities to be removed and new facilities will be installed along with a car washing building.	
7. AMOUNT OF LAND AFFECTED: Initially 0.98 acres Ultimately 0.98 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly Special Permit Required	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Town Planning Board - Site Plan approval & Special Use Permit NYS Department of Environmental Conservation - Tank Removal & Replacement	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Mobil Oil Corp	Date: 12 Oct 90
Signature: <i>Scott L. Higin</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

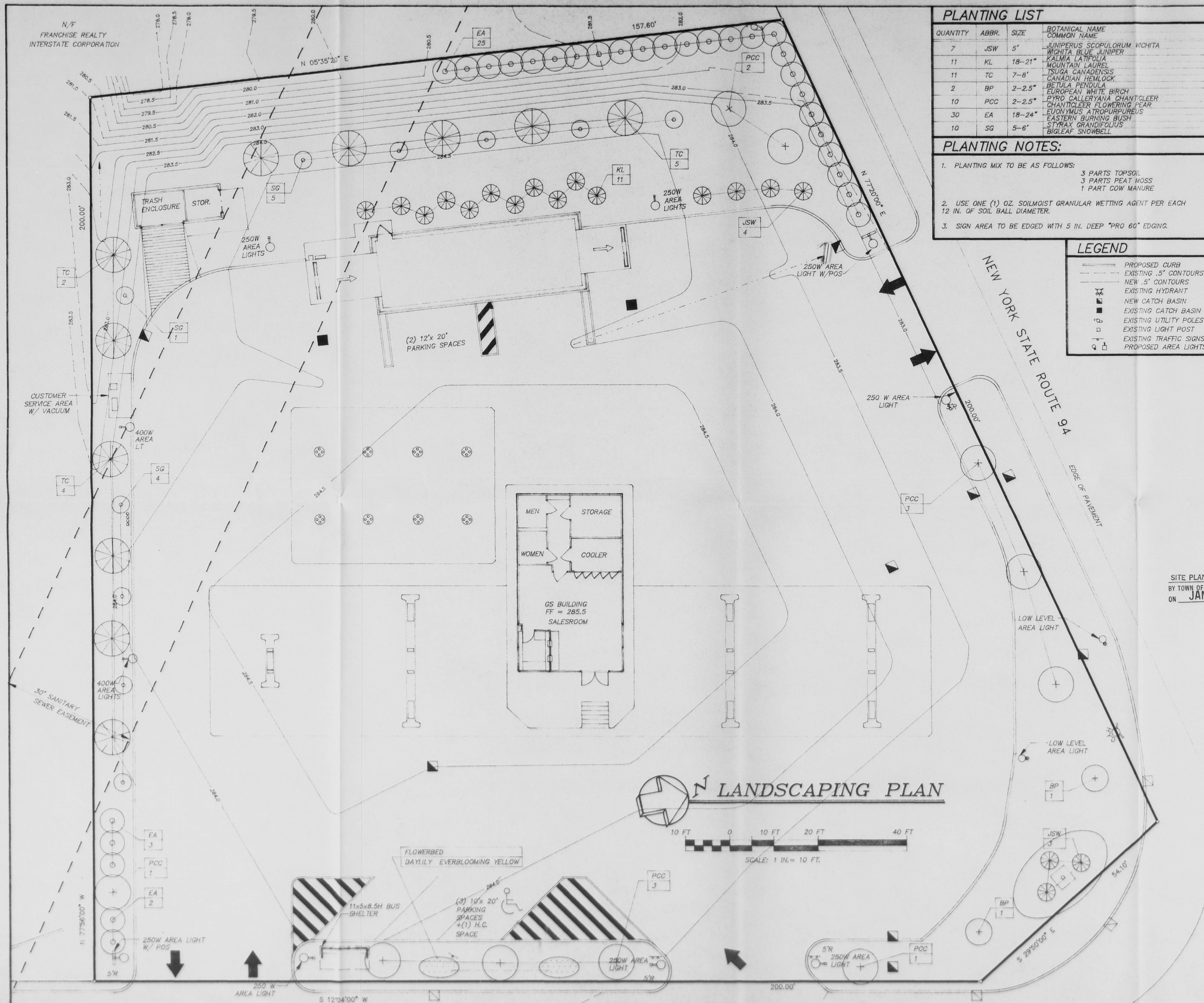
PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <p style="text-align: center;">No</p> C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <p style="text-align: center;">No</p> C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <p style="text-align: center;">No</p> C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <p style="text-align: center;">No</p> C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. <p style="text-align: center;">No</p> C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly. <p style="text-align: center;">No</p> C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. <p style="text-align: center;">NONE</p>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

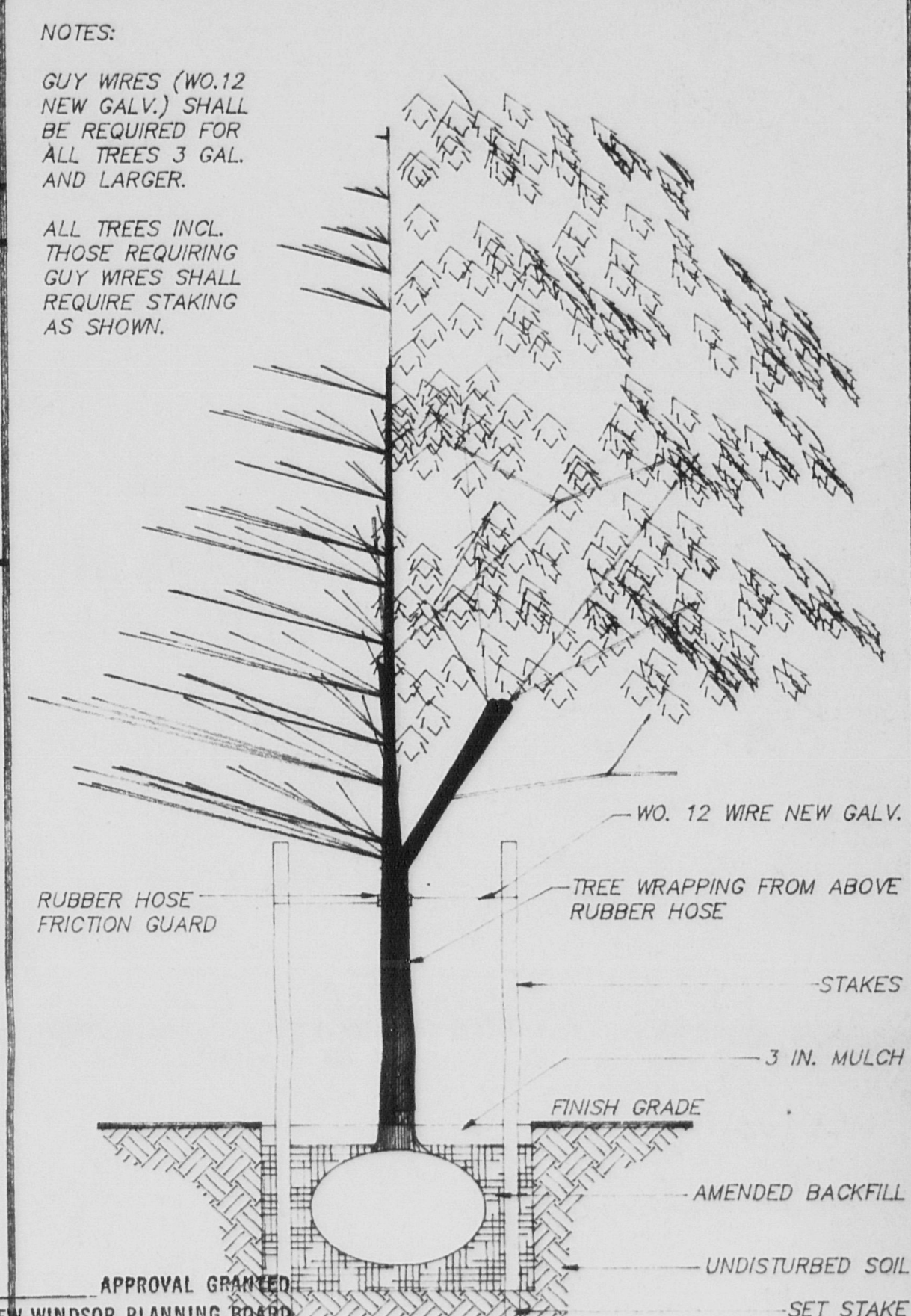
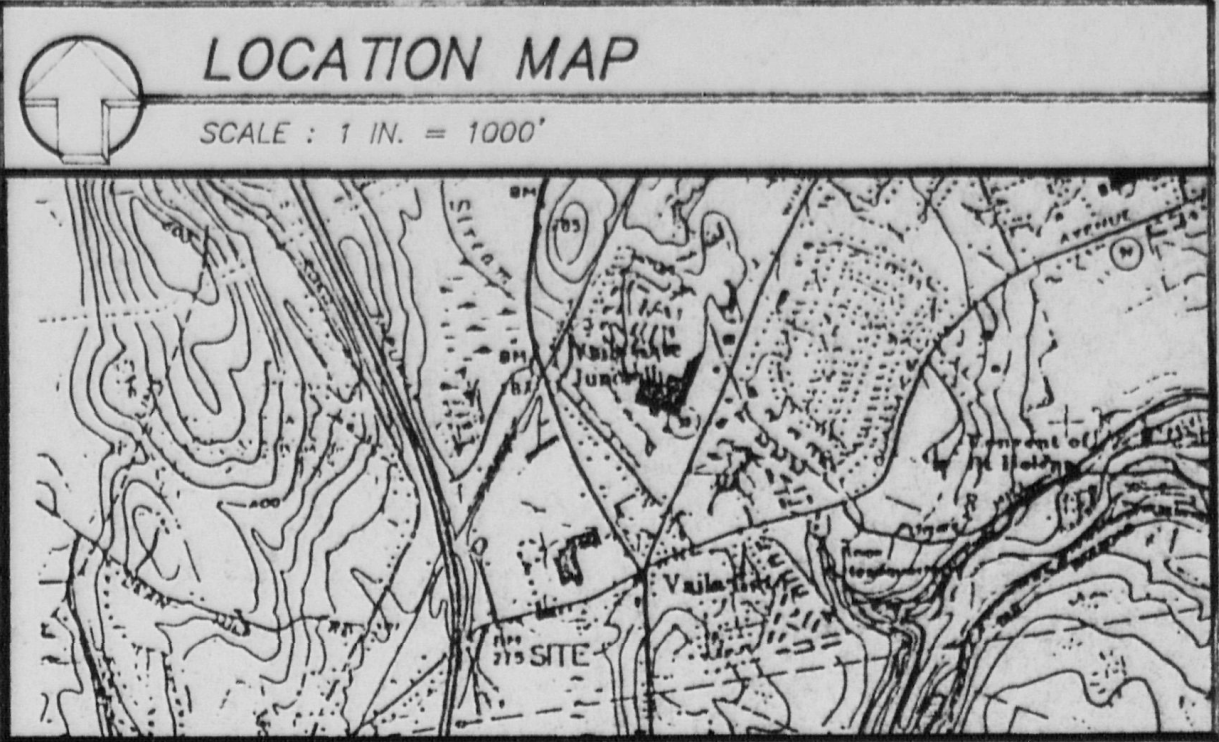
<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
_____ Date	



PLANTING LIST			
QUANTITY	ABBR.	SIZE	BOTANICAL NAME COMMON NAME
7	JSW	5'	JUNIPERUS SCOPULORUM WICHITA WICHITA BLUE JUNIPER
11	KL	18-21"	KALMIA LATIFOLIA MOUNTAIN LAUREL
11	TC	7-8'	TSUGA CANADENSIS CANADIAN HEMLOCK
2	BP	2-2.5"	BETULA PENDULA EUROPEAN WHITE BIRCH
10	PCC	2-2.5"	PYRO CALLERYANA CHANTICLEER CHANTICLEER FLOWERING PEAR
30	EA	18-24"	EVONYMUS ATROPURPUREUS EASTERN BURNING BUSH
10	SG	5-6'	SYRAX GRANDIFOLIUS BIGLEAF SNOWBELL

- PLANTING NOTES:**
- PLANTING MIX TO BE AS FOLLOWS:
3 PARTS TOPSOIL
3 PARTS PEAT MOSS
1 PART COW MANURE
 - USE ONE (1) OZ. SOILMOIST GRANULAR WETTING AGENT PER EACH
12 IN. OF SOIL BALL DIAMETER.
 - SIGN AREA TO BE EDGED WITH 5 IN. DEEP "PRO 60" EDGING.

LEGEND	
	PROPOSED CURB
	EXISTING .5' CONTOURS
	NEW .5' CONTOURS
	EXISTING HYDRANT
	NEW CATCH BASIN
	EXISTING CATCH BASIN
	EXISTING UTILITY POLES
	EXISTING LIGHT POST
	EXISTING TRAFFIC SIGNS
	PROPOSED AREA LIGHTS



SITE PLAN
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON **JAN 23 1992**
BY *Ronald Lander*
RONALD LANDER
SECRETARY

TYPICAL TREE PLANTING DETAIL
F
D-2 N.T.S.

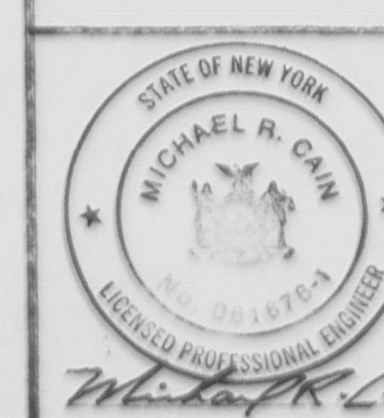
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REV	DR	CK	DATE	DESCRIPTION
1	WPC	MPC	21 OCT 1991	GENERAL REVISIONS

KARTIGANER ASSOCIATES, P.C.
CONSULTING ENGINEERS
555 BLOOMING GROVE TURNPIKE, NEWBURGH, N.Y. 12550
PH: 914-562-4391 FAX: 914-562-4395

Mobil Oil Corporation
MARKETING & REFINING DIVISION 1 - U.S.
MARKETING AND OPERATIONS DEPARTMENT
FAIRFAX, VIRGINIA 22037



LANDSCAPING PLAN
for SERVICE STATION 06N2X in the
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
SCALE: 1 in. = 10 FT. SHEET: 2 OF 2
DATE: 14 OCTOBER 1991
DWG. NO.: LS-1
DRAWN: MSO
CHECKED: MRC
JOB NO.: 89046.00

PLANTING LIST

QUANTITY	ABBR.	SIZE	BOTANICAL NAME COMMON NAME
7	JSW	5'	JUNIPERUS SCOPULORUM WICHITA WICHITA BLUE JUNIPER
11	KL	18-21"	KALMA LATIFOLIA MOUNTAIN LAUREL
11	TC	7-8'	TSUGA CANADENSIS CANADIAN HEMLOCK
2	BP	2-2.5"	BETULA PENDULA EUROPEAN WHITE BIRCH
10	PCC	2-2.5"	PYROCALLERYANA CHANTICLEER CHANTICLEER FLOWERING PEAR
30	EA	18-24"	EUONYMUS ATROPURPUREUS EASTERN BURNING BUSH
10	SG	5-6'	STYRAX GRANDIFOLIUS BIGLEAF SNOWBELL

PLANTING NOTES:

- PLANTING MIX TO BE AS FOLLOWS:
3 PARTS TOPSOIL
3 PARTS PEAT MOSS
1 PART COW MANURE
- USE ONE (1) OZ. SOILMOIST GRANULAR WETTING AGENT PER EACH
12 IN. OF SOIL BALL DIAMETER.
- SIGN AREA TO BE EDGED WITH 5 IN. DEEP "PRO 60" EDGING.

LEGEND

- PROPOSED CURB
- EXISTING .5' CONTOURS
- NEW .5' CONTOURS
- EXISTING HYDRANT
- NEW CATCH BASIN
- EXISTING CATCH BASIN
- EXISTING UTILITY POLES
- EXISTING LIGHT POST
- EXISTING TRAFFIC SIGNS
- PROPOSED AREA LIGHTS

LANDSCAPING PLAN

SCALE: 1 IN. = 10 FT.

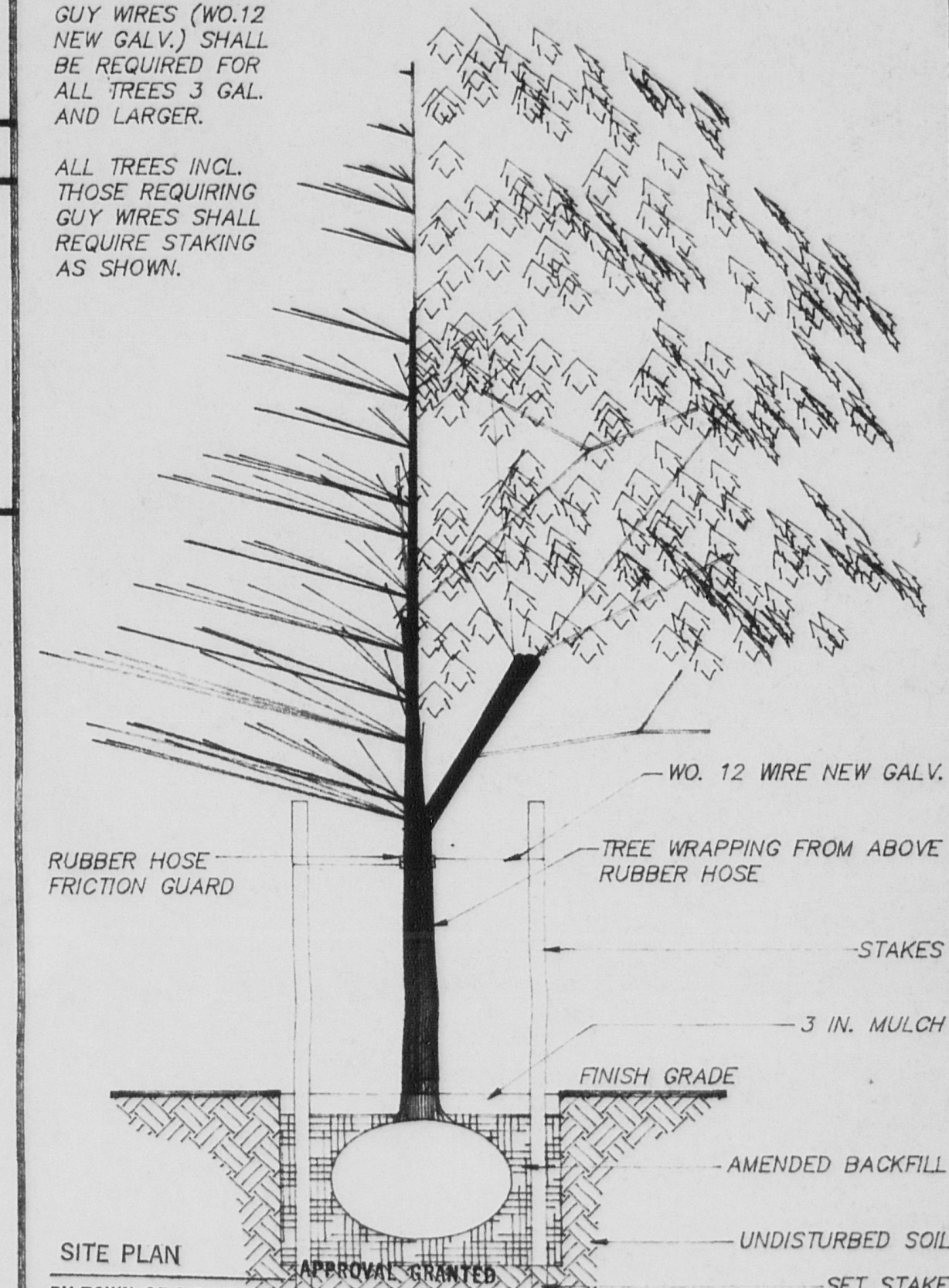
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10	SG	5-6'	STRYX GRANDIFOLUS BIGLEAF SNOWBELL

1. PLANTING MIX TO BE AS FOLLOWS:
 - 3 PARTS TOPSOIL
 - 3 PARTS PEAT MOSS
 - 1 PART COW MANURE
2. USE ONE (1) OZ. SOILMOIST GRANULAR WETTING AGENT PER EACH 12 IN. OF SOIL BALL DIAMETER.
3. SIGN AREA TO BE EDGED WITH 5 IN. DEEP "PRO 60" EDGING.

PROPOSED CURB
EXISTING .5' CONTOUR
NEW .5' CONTOURS
EXISTING HYDRANT
NEW CATCH BASIN
EXISTING CATCH BASIN
EXISTING UTILITY POLE
EXISTING LIGHT POST
EXISTING TRAFFIC SIGN
PROPOSED AREA LIGHT

GUY WIRES (WO.12
NEW GALV.) SHALL
BE REQUIRED FOR
ALL TREES 3 GAL.
AND LARGER.

ALL TREES INCL.
THOSE REQUIRING
GUY WRES SHALL
REQUIRE STAKING
AS SHOWN.



BY Ronald Lander
RONALD LANDER
SECRETARY

D-2 N.T.S.

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△	WAC	MPC	21 OCT 1991	GENERAL REVISIONS.
REV.	DR	CK	DATE	DESCRIPTION

KARTIGANER ASSOCIATES, P.C.
CONSULTING ENGINEERS
555 BLOOMING GROVE TURNPIKE, NEWBURGH, N.Y. 12550
PH: 914-562-4391 FAX: 914-562-4395

MARKETING & REFINING DIVISION 1 - U.S.
MARKETING AND OPERATIONS DEPARTMENT
FAIRFAX, VIRGINIA 22037



LANDSCAPING PLAN
for SERVICE STATION 06N2X in the
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

SCALE : 1 IN. = 10 FT. **SHEET: 2 OF: 2**

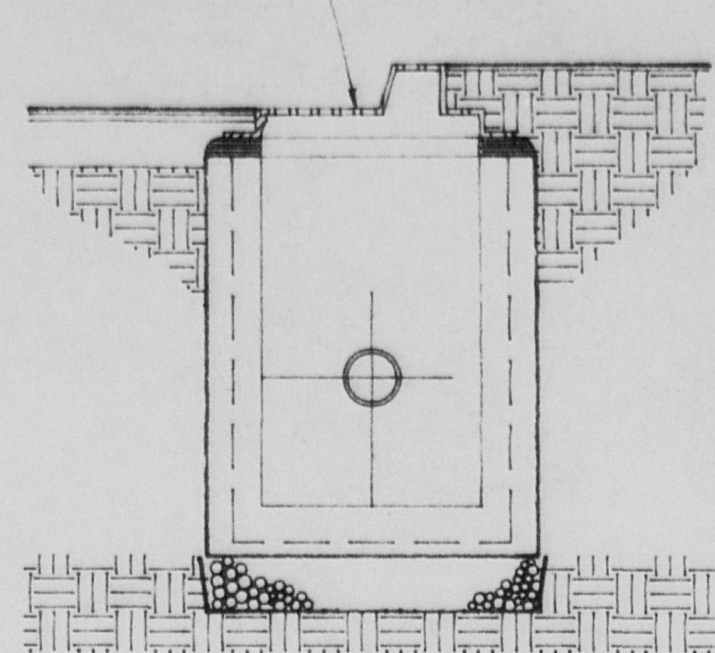
DATE : 14 OCTOBER 1991

DWG. NO.: LS-1

DRAWN : MSO

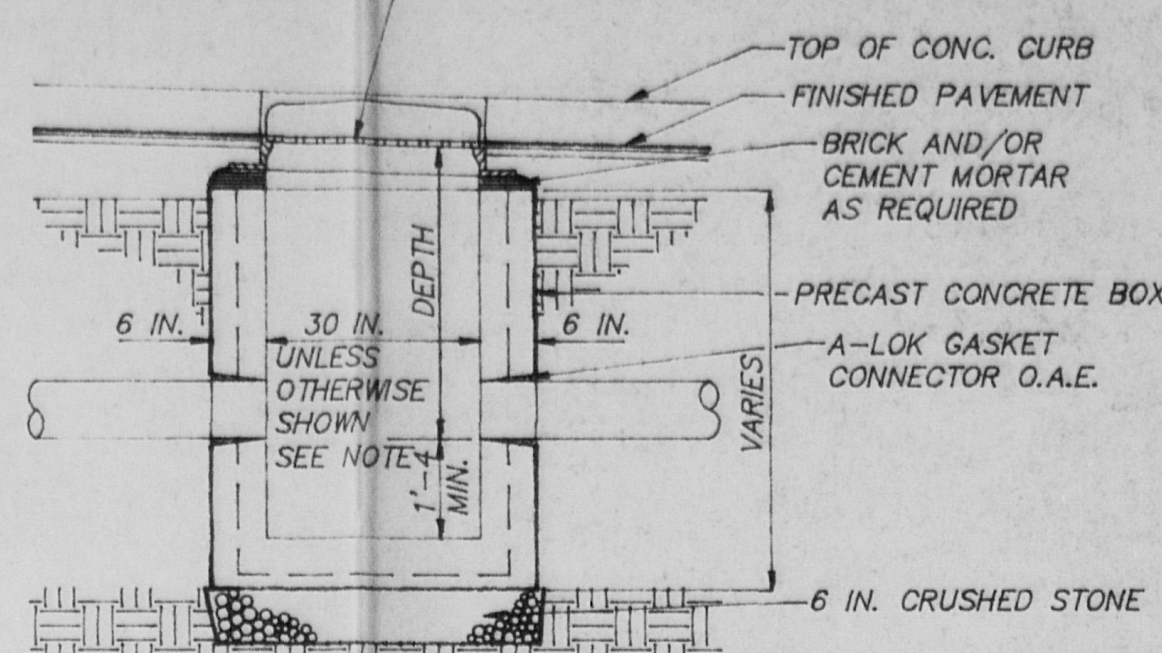
CHECKED : MRC **JOB NO : 89046.00**

CAST IRON FRAME AND GRATE
CAMPBELL NO. 2546 O.A.E.



SIDE SECTION

NOTE: INSTALL FRAME AND GRATE
TO MATCH SLOPE OF PAVEMENT



FRONT SECTION

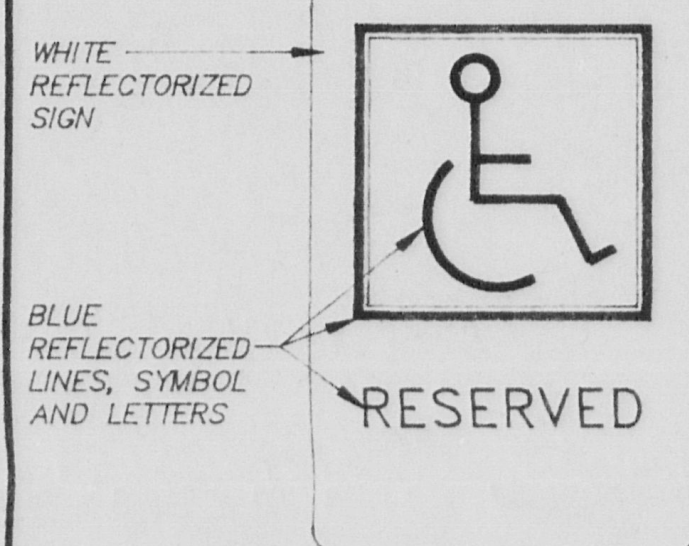
TYPICAL CATCH BASIN W/ CURB INLET

N.T.S.

NOTE:

SHALL MEET THE REQUIREMENTS OF THE
N.Y.S.D.O.T. SPEC. 706.04. CATCH BASIN
TYPE "J" UNLESS OTHERWISE SHOWN ON
PLAN.

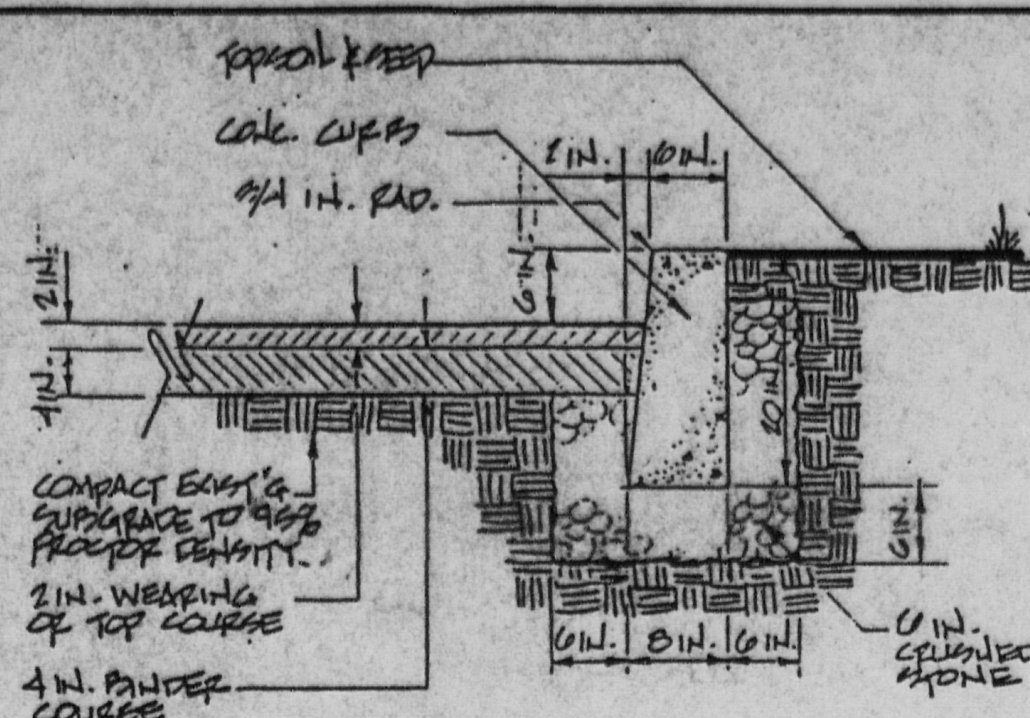
N/E
FRANCHISE REALTY
INTERSTATE CORPORATION



HANDICAPPED PARKING SIGN DETAIL

SCALE: 2 IN. = 1'-0"

30' SIDEYARD SETBACK



NOTES:

1. EXPANSION JOINTS SPACED EVERY 16' MIN. FROM START
TO FINISH OF CURBING.

2. PREPARED COVERS:

A. ASPHALT CONC. - TYPE II, PAVING COURSE

B. ASPHALT CONC. - TYPE II, WEARING COURSE

PAVEMENT & CURB DETAIL

NOTES :

- BOUNDARY AND TOPOGRAPHICAL SURVEY INFORMATION BASED UPON
SURVEY PREPARED BY DENNIS E. WALDEN, L.S., LICENSE NO. 47555,
DATED 22 JANUARY 1990.
- TAX LOT DATA SHOWN HEREON IS IN ACCORDANCE WITH THE TAX
ASSESSMENT MAP OF THE TOWN OF NEW WINDSOR.
- ELEVATIONS ARE BASED ON A DATUM BENCHMARK SET AS AN X-CUT
ON THE EASTERLY CAP BOLT OF THE HYDRANT IN THE NORTHEAST
CORNER OF THE LOT.
- ZONING INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH
THE ZONING ORDINANCE OF THE TOWN OF NEW WINDSOR.
- LOCATIONS OF SUBSURFACE UTILITIES SHOWN HEREON ARE BASED ON
THE FIELD SURVEY AND LOCATION OF PHYSICAL SURFACE EVIDENCE
WHICH CORRELATES WITH THE PLANS ON FILE IN THE OFFICE OF THE
TOWN ENGINEER, TOWN OF NEW WINDSOR.
- CONTRACTOR TO VERIFY THE EXISTENCE OF SUBSURFACE UTILITIES
PRIOR TO ANY EXCAVATION.
- MOBIL PROJECT MANAGER:
GARY HUGHES
50 BROADWAY
HAWTHORNE, N.Y. 10532
- NO PHYSICAL EVIDENCE OF THE LOCATION OF MUNICIPAL WATER
SERVICE TO SERVICE STATION FOUND AT THE TIME OF FIELD SURVEY.
- LOCATION AND SIZE OF EXISTING WATER LINE WAS ACQUIRED FROM
MAPS ON FILE AT THE NEW WINDSOR TOWN HALL. THIS LOCATION
IS TO BE CONSIDERED APPROXIMATE.
- CONTOUR INTERVAL FOR FINISHED CONTOURS IS 0.5 FT.

- INSTALLATION OF BUILDINGS, SIGNS, MPD'S, TRASH ENCLOSURES,
AND OTHER ON SITE APPARATUS SHALL BE CONSTRUCTED AS PER
MOBIL STANDARD DETAILS, LATEST REVISION.

- ENTRANCES: CURBING & STORM DRAINAGE STRUCTURES SHOWN
ADJACENT TO ROUTES 32 & 94 WERE OBTAINED FROM N.Y.S.D.O.T.
DESIGN DRAWINGS FOR THE "RECONSTRUCTION OF ROUTE 94
INTERSECTIONS WITH ROUTES 32 & 300, STATE HIGHWAYS 42,
9033, 154, AND 9457 IN THE TOWN OF NEW WINDSOR, ORANGE
COUNTY, NEW YORK.

- UNDERGROUND TANKS SHALL BE INSTALLED IN ACCORDANCE WITH
ALL FEDERAL, STATE, AND LOCAL REGULATIONS. TANK SIZES AND
USES ARE AS FOLLOWS:

TANK A = 12M, REGULAR UNLEADED
TANK B = 12M, REGULAR UNLEADED
TANK C = 12M, SUPER UNLEADED +
TANK D = 12M, SPECIAL UNLEADED

- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL
APPLICABLE PERMITS.

- EXISTING UNDERGROUND FUEL TANKS SHALL BE REMOVED IN STRICT
ACCORDANCE WITH THE REQUIREMENTS OF 6 NYCRR PART 613. THE
TOWN OF NEW WINDSOR FIRE INSPECTOR'S OFFICE AND THE NEW YORK
STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL BE
NOTIFIED PRIOR TO THE COMMENCEMENT OF WORK.

- AN ATTEMPT WILL BE MADE TO CONNECT TO THE EXISTING WATER
SERVICE, SHOULD IT BE OF SUFFICIENT SIZE AND IN ADEQUATE
CONDITION. IF A NEW TAP IS REQUIRED BOTH THE NYSDOT AND THE
TOWN OF NEW WINDSOR SHALL BE NOTIFIED AND ALL FEES PAID BY
THE CONTRACTOR.

- JUNCTION BOXES SHALL BE 2'x 2' CATCH BASINS AS MANU-
FACTURED BY BINGHAMTON PRECAST AND SUPPLY, O.A.E. AND SHALL
BE SUPPLIED WITH AN APPROPRIATELY SIZED FRAME AND SOLID COVER
AS MANUFACTURED BY NEENAH FOUNDRY, O.A.E.

PARKING REQUIREMENTS

PARKING	REQUIRED	PROVIDED
4 EACH PER SERVICE BAY X 0 BAYS =	0	0
1 EACH PER 300 SQFT - FLR. AREA = 924 SQFT	4	4
HANDICAPPED SPACES	1	1
TOTAL =	5	5

VARIANCE TABLE

BULK ITEM	REQUIRED	PROVIDED	VARIANCE REQUESTED
FRONT YARD: CANOPY	60 FT.	TO RT 94 - 24 FT. TO RT 32 - 56 FT.	36 FT. 4 FT.
SIDE YARD: CANOPY	30 FT.	27 FT.	3 FT.

ABOVE VARIANCES HAVE BEEN GRANTED BY THE TOWN OF NEW WINDSOR
ZBA, ON 22 JULY 1991.

LOCATION MAP

SCALE: 1 IN. = 1000'



LEGEND

PROPOSED CURB	PROPOSED STORM DRAIN
EXISTING WATER LINE	EXISTING MAN HOLE
EXISTING GAS LINE	PROPOSED AREA LIGHTS
EXISTING SANITARY SEWER	NEW JUNCTION BOX
EXISTING CURB (TO BE REMOVED)	NEW CATCH BASIN
NEW 2 IN. WATER	EXISTING CATCH BASIN
EXISTING STORM DRAIN	EXISTING UTILITY POLES
EXISTING .5' CONTOURS	EXISTING LIGHT POST
NEW .5' CONTOURS	EXISTING TRAFFIC SIGNS
EXISTING HYDRANT	MPD PROP. MULTI PUMP DISP.
	10M 10,000 GALLONS
	V.R. VAPOR RECOVERY

SITE INFORMATION

LOCATION :	TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK	
OWNER/APPLICANT:	OWNER: MOBIL OIL CORP. PO BOX 290 DALLAS, TEXAS 75221	APPLICANT: MOBIL OIL CORP. 50 BROADWAY HAWTHORN NY 10532
TAX MAP DESIGNATION :	SEC. 9 BLK. 4 LOT 26.2	
LOT AREA :	0.978± ACRES (42,606 SQ. FT.)	
BUILDING AREA:	924 SQ. FT.	
ZONED :	"C" — DESIGN SHOPPING	
EXISTING USE :	SERVICE STATION AND SNACK SHOP	
PROPOSED USE :	REBUILD AND UPGRADE OF EXISTING STATION. USE PERMITTED BY SPECIAL PERMIT BY PLANNING BOARD.	

BULK REGULATIONS

ZONE: "C" -- DESIGN SHOPPING		USES: B-5 & A-1
ITEM	REQUIRED	PROVIDED
SITE AREA	40,000 SQ. FT.	42,606 SQ. FT. GROSS 38,170 SQ. FT. NET
NET AREA REFLECTS TOTAL ARE LESS 30' SANITARY LOT WIDTH	200 FT. MIN.	EASEMENT 213 FT.
FRONT YARD:		
SALES BLDG	60 FT. MIN.	70 FT.
CAR WASH	60 FT. MIN.	60 FT.
CANOPY	60 FT. MIN.	*TO RT. 94 - 24 FT. *TO RT. 32 - 56 FT.
REAR YARD:		
SALES BLDG	30 FT. MIN.	100 FT.
CAR WASH	30 FT. MIN.	38 FT.
CANOPY	30 FT. MIN.	115 FT.
SIDE YARD:		
SALES BLDG	30 FT. MIN.	96 FT.
CARWASH	30 FT. MIN.	62 FT.
CANOPY	30 FT. MIN.	* 27 FT.
MAXIMUM BLDG. HEIGHT:		
SALES BLDG	25 FT. MAX.	10.5 FT.
CAR WASH	12.7 FT. MAX.	12.7 FT.
FLOOR AREA RATIO	50%	4%
PAVED AREA	N/A	70%
OPEN AREA	N/A	26%
* DENOTES THOSE BULK REGULATION ITEM REQUIRING A VARIANCE. SEE VARIANCE TABLE THIS SHEET.		

REV.	DR.	CK.	DATE	DESCRIPTION
10	MSO	MRC	21 OCT 1991	GENERAL REVISIONS
9	MSO	MRC	15 SEPT 1991	REV'D AS PER DOT & PLNG. BRD. COMMENTS
8	MSO	MRC	4 SEPT 1991	REV'S AS PER NYSDOT
7	MSO	MRC	26 AUG 1991	REV'S AS PER MOBIL OIL CORP.
6	MSO	MRC	17 AUG 1991	NEW GS BLDG LOCATION & ASSOC'D REV'S
5	MSO	MRC	5 AUG 1991	REVISED SITE LAYOUT
4	MSO	MRC	26 JUNE 1991	REV'S AS PER ZBA COMMENTS

KARTIGANER ASSOCIATES, P.C.
CONSULTING ENGINEERS
555 BLOOMING GROVE TURNPIKE, NEWBURGH, N.Y. 12550
PH: 914-562-4391 FAX: 914-562-4395

Mobil Oil Corporation

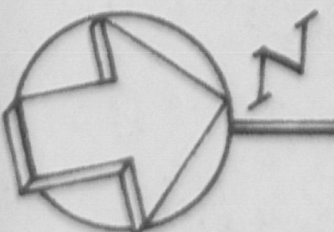
MARKETING & REFINING DIVISION 1 - U.S.
MARKETING AND OPERATIONS DEPARTMENT
FAIRFAX, VIRGINIA 22037



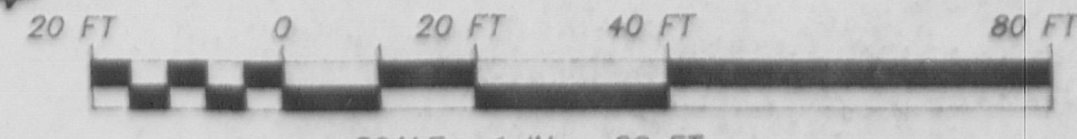
SITE PLAN - REBUILD
for SERVICE STATION 06N2X in the
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
SCALE: 1 IN. = 20 FT. SHEET: 1 OF 2
DATE: 30 MARCH 1990
DWG. NO.: S-1
DRAWN: MSO
CHECKED: M.C. JOB NO.: 89046.00

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UNAUTHORIZED ALTERATION OR ADDITION
TO THIS PLAN IS A VIOLATION OF
SECTION 7209 (2) OF THE NEW YORK
STATE EDUCATION LAW.



SITE PLAN



SCALE: 1 IN. = 20 FT

CATCH BASIN SCHEDULE

CB/JB #	RIM ELEV.	INV. IN	INV. IN	INV. IN	INV. OUT
JB #1	284.10	281.84	281.10		281.10
JB #2	284.10	280.40	281.19		280.40
CB #3	283.20	279.90			279.90
CB #4	283.10	280.60	279.20		279.20
CB #5	283.80	281.30	281.30		281.30
CB #6	283.75				
CB #1	284.50	282.00	282.00		282.00
CB #6	283.10				280.60

SITE PLAN APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON **JAN 23 1992**
BY *Ronald Lander*
RONALD LANDER
SECRETARY